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ABSTRACT

Lack of access to information has been one of the most difficult problems Native Americans have faced in trying to obtain a college education. Attempting to meet the need for more information on the rights and opportunities for Indian students, this report explores the funding sources available to Indian students, describes problems confronting students when they attend universities, and makes recommendations on procedures for meeting financial needs of Native American students. Extensive description is devoted to the Bureau of Indian Affairs role in higher education because many college and government officials operate under the mistaken assumption that BIA aid is available to all Indian students and they often deny Indian applicants other types of aid. Procedure for applying for BIA grants, qualifications, and addresses of scholarship representatives are given. The role of the Office of Education is described, as well as the benefit programs it provides, its past shortcomings in helping needy Indian students, and legislative commitments that may correct past OE program abuses. Educational assistance programs of colleges and universities is discussed along with a listing of schools, the number of Native American students attending, aid sources available, and amounts of monies received from each source. (DS)

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The United Scholarship Service was founded in 1960 to assist Native American high school, undergraduate, and graduate students through educational counseling, placement in educational programs, and financial assistance. U.S.S. has established summer action research programs in their own communities to help Native American students to supplement their academic experiences away from home and has served as an advocate in obtaining financial aid not generally awarded to Native American students. U.S.S. has received financial support from the American Missionary Association of the Board for Homeland Ministries, United Church of Christ, since its founding in 1960. Financial support is also received for individual contributions, church groups, clubs and foundations. Contributions are deductible for income tax purposes.

ACKNOWLEDGEMENTS

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We thank the many colleges and universities, Bureau of Indian Affairs offices, and tribal education committees for their cooperation in making information available to the United Scholarship Service so there is a clearer picture of the needs and problems which face the Native American students as they enter college.

August 7, 1980

The name of the non-profit national organization for American Indians, United Scholarship Service, Inc., has been changed by the board of directors to:

NATIONAL CENTER FOR AMERICAN INDIAN
ALTERNATIVE EDUCATION AND TRAINING, INC.

Contributions are deductible for income tax purposes.

PREFACE

United Scholarship Service, Inc., a private agency founded in 1960, provides counseling and supplementary grant aid to Native American young people at the secondary, college, and graduate levels. We see our mission as one of advocacy of the rights of these young people to obtain education which will meet their needs. Over the past thirteen years we have become involved in many efforts in behalf of Native American young people, ranging from visiting in Native American communities and on college campuses to administering Talent Search projects in six localities with significant Native American population to sponsoring a series of conferences designed to educate college administrators and financial aid officers who deal with Native American youth on the campuses, often with very little understanding of their situation.

The first such effort sponsored by U.S.S. was a Community-Centered Training Project on the Needs of American Indian College Students held December 7-11, 1970 on two reservations in northern Montana. It was meant to sensitize college officials to conditions in reservation communities, to the hopes, fears and aspirations of the people of these communities, and to the efforts local people were making in their own behalf to improve their children's education. Participants lived with Native American families, to the extent possible, and local Native Americans, the experts in the local community, served as the instructors.

In June of 1972 U.S.S. sponsored a rather different kind of meeting: a Short-Term Instructional Institute for Administrators and Financial Aid Officers of Colleges and Universities across the Country with Significant American Indian Student Enrollment. It was held at Estes Park, Colorado and was made possible by an EPDA grant from the Bureau of Higher Education of the Office of Education. This institute, which is the basis for this report, brought together representatives of all the different groups involved in securing financial aid for Native American college students: college administrators and financial aid officers, Office of Education staff, Bureau of Indian Affairs Scholarships Officers, and representative Native American college students and parents, who served as consultants. The week-long meeting was meant to educate the participants on all the funding sources available to Native American students, as well as their limitations, and to try to resolve some deep differences of opinion, especially between FAO's and BIA Scholarship Officers, concerning the proper ways to meet Native American students' need for financial assistance. Frank exchanges of opinion, as well as information, exposed some deep divisions but led to the group's finally being able to draw up firm recommendations on procedures for meeting the financial needs of Native American students and on the need for Native American participation in the planning and administration of all programs affecting them. U.S.S. sincerely appreciates the participation of the more than forty institute members, especially since most of those directly involved with student aid were aware when they came that there would be criticism of current financial aid practices and that they might well be put "on the spot." We particularly appreciate the extensive factual information made available to us, both prior to and after the institute, by both the participating colleges and universities and by the BIA Area Offices.

The institute dramatically pointed up the need for more information on the rights and opportunities for Native American students among all the groups represented at the meeting. This report, based both on discussions at the institute and on the information gathered in connection with it, in an attempt to help meet that need, and we hope that the report will find its way to Native American students and parents around the country, as well as to the participants themselves. Lack of access to information has been one of the most difficult problems Native Americans have faced in trying to obtain college education.

Over the years since 1960 U.S.S. has been in a position to observe most of the significant events affecting the educational opportunities of Native American students. We have been glad to see a dramatic increase in the total amount of funds available for college financial aid, both for Native Americans specifically (the BIA grant aid program) and all low-income students (a variety of OE programs for the disadvantaged). We have been concerned about the disproportionate amount of the BIA post-secondary budget which has gone into Adult Vocational Training rather than for college grants; and we have been heartened that the BIA grant aid program has received substantially higher funding since 1972 and is no longer quite such an insignificant "poor relation" of AVT. But we are also aware that, in some respects, the more things change, the more they remain the same. Far more opportunity exists on paper than in reality, and Native American students are still being squeezed out of many programs for which they are eligible, at least in theory. Much of this report will document this fact.

The over-all picture of educated leadership available in the Native American communities is still one of almost total absence. To illustrate the dearth of professionally trained Native Americans available to serve Native American communities, U.S.S. in a recent survey was able to identify only nine Native Americans

in nursing schools in a two-state area with a Native American population of 46,734. In the same area Native Americans occupy only 33 out of 156 nursing positions with the Indian Health Service, and we could identify only five Native American doctors identified with Native American communities. The lack of Native American lawyers was equally striking until a special, OEO-stimulated program was initiated at the University of New Mexico to recruit Native American law school applicants, fund them, and place them in law schools around the country.

While U.S.S. has welcomed the new opportunities made possible by the "War on Poverty," we are all too aware of much evidence that the national commitment to all poor people is only skin deep. Native Americans are the poorest and smallest of the national minorities, small enough so that all the needs of our young people could be met without an appreciable dent in the federal budget. During 1971-72 there were some 11,000 Native Americans in colleges and universities, a record number. Even if we had the same proportion of our population in college as the total U.S. population, it would still involve only about 36,000 young people. Yet Native American students are consistently denied aid from OE programs for the disadvantaged, on the grounds that there is a special BIA grant aid program, even through the BIA funds are insufficient to meet the needs of the Native Americans currently in colleges and universities. We know that one main reason for this refusal to provide needed services to the neediest minority group is that the funds provided for all OE financial assistance programs for low-income students are woefully inadequate to meet the total need in the country. The various interest groups among the low-income population are reduced to having to fight over crumbs.

On the college campuses we are aware how often Native American students are "lost" in educational systems which seem totally uninterested in them and unresponsive to their aspirations. Often they are literally treated as "foreign students." Even colleges which do have special Indian programs are usually highly paternalistic in planning and running these programs without reference to the desires of the students the programs are meant to benefit. And it is striking that interest among college administrators in the low-income student, including most Native American students, was virtually nonexistent until federal funds became available to stimulate this interest. And, in most cases, the interest has remained at this level, with very few colleges showing any evidence of long-term commitment to Native American students, either through using non-federal funds for programs which will continue to be available when the federal funds run out or by hiring Native Americans either as teaching staff or in the financial aid and admissions offices. While other minority groups suffer from the same situation, there is some evidence that college administrators are fearful of violence and inflammatory rhetoric from some of the other minorities and are, therefore, willing to make concessions to them which they will not make to Native Americans. The colleges and universities which have the worst record of serving Native Americans, however, are precisely those where Native American students are the largest, sometimes the only minority group on campus, or in other words those local and regional public colleges serving "Indian country." The charts at the end of Chapter 4 (page) illustrate this clearly.

If Native American students are to have an opportunity to reach their full potential, strong measures must be taken to ensure that they will have the financial aid they need and then services need to be provided on the college campus to counteract the high dropout rate and make sure that the students are able to stay in college and graduate. The first step depends on an agreement -- not yet forthcoming -- between the Commissioners of the Bureau of Indian Affairs and the Office of Education to "set aside" funds for Native American students, on a basis proportional to their need, from all OE-administered financial aid programs, so that Native American students will not be subject to discrimination in the running of these programs, as is currently the case.

We hope that this report will alert a large number of citizens to the need, so that the kind of citizen pressure which is effective in bringing about governmental changes can be exerted on behalf of Native American college students.

Tillie Walker

Tillie Walker, Executive Director
United Scholarship Service, Inc.

GLOSSARY

Federal Agencies:

BIA: Bureau of Indian Affairs, federal agency located in the Department of the Interior, charged with administration of Indian lands and resources, as a result of special relationship between Indian tribes and the federal government, stemming from treaty provisions and executive orders.

OE: Office of Education, federal agency charged with administration of most federal programs of aid to education. OE is located in the Department of Health, Education and Welfare (HEW).

Financial Assistance Programs:

BIA Higher Education Program: Grant program for which only students from federally recognized Indian tribes or Alaskan Native groups, who have been accepted at an accredited college or university, are eligible. Intended to supplement other funding sources. Undergraduate students, living on or near the reservation have first priority; urban Native American students, and graduate students are also eligible for grants if funds are available. Funding for FY 1972:

$15,000,000 (10,500 students). (Note: All budget figures in the Glossary are rounded off and represent initial funding so do not include supplement appropriations).

BIA-AVT Program: Adult Vocational Training Program. Places Indian students (under 35), married or single, in accredited vocational education institutions. Provides all living expenses, as well as tuition, and additional services, such as locating housing for the students. Funding for FY 1972:

$25,000,000 (8,250 students).

BOG: Basic Opportunity Grant Program, mandated by Educational Amendments of 1972 (see Appendix V , page 41), not yet in operation. Differs from current federal college aid programs in that a standard measure of determining student need is established by law, students are entitled to need analysis at any college which has accepted them, and aid officials are required by law to serve the neediest students first and to determine their right to a Basic Opportunity Grant before considering other funding sources in developing aid packages.

EOG: Educational Opportunity Grant. Federally funded grant program of the Office of Education, administered by individual colleges and universities, which apply for EOG funds on the basis of the number of low-income students they serve. Students from families with $6,000 annual income or less. Specific guidelines for use of EOG grant funds developed by the individual college, except for the requirement that EOF funds must be matched dollar-for-dollar from other private and public sources (including BIA, according to the 1969 Memorandum of Agreement reproduced on page 40). Funding for FY 1972:

$286,000,000.

NDSL: Low-interest loans for low-income college students, provided by National Defense Education Act, first passed in 1958. Frequently used as one portion of a total financial aid package. As of 1973, NDSL now stands for "National Direct Student Loan." Funding for FY 1972:

$165,646,310.

Work-Study: OE Program administered by individual colleges and universities, which allows them to offer up to 15 hours a week of "meaningful" employment to students from low-income families who otherwise would not be able to attend college. Frequently used as one portion of a total financial aid package ... Funding for FY 1972:

$154,826,962.

Other:

Eligibility: Concept on which many federal services are based - an individual is eligible for services if he meets the requirements established by law (such as being a U. S. citizen, meeting certain income criteria, etc.) but the agency providing the services is not required to provide services to all who are eligible. Most such services are provided either on a first-come-first-served basis or to the neediest cases until funds are exhausted.

Entitlement: Some federal services, provided by such agencies as the Veterans Administration and the BIA, are based on the concept of entitlement: If an individual meets all the requirements established by law (such as having served in the armed forces and received an honorable discharge, or having at least one-quarter Indian blood and being a member of a federally recognized Indian tribe) the agencies adminstering the services are required by law to provide the services to all qualified applicants. The BIA grant aid program is based on the concept of eligibility, not entitlement, but an individual must be able to prove that he is entitled to BIA services generally before he is eligible to apply for a BIA grant. His entitlement to BIA services does not ensure that he will receive a grant. Many Indian students, however, are not entitled to BIA services and therefore are not eligible for a BIA grant.

FAO: Financial Aid Officer, a member of the administrative staff of each college or university, responsible for doing a need analysis for each applicant for grants or loans and putting together a financial aid package to meet the full need of the applicant. Specifically responsible for administering most OE programs of financial aid to low-income students.

Financial Aid Package: Total financial assistance offered to a student by the college or university FAO. May include funds from a wide variety of sources, including EOG, NDSL, Work-Study, BIA, college scholarship funds, private grant programs, and contribution by student and his parents. Package must be based on a need analysis.

Native American: Member of an American Indian tribe or an Alaskan Native group. Inclusive term currently in wide usage.

Need Analysis: Determination of the amount of money a student will need in order to be able to attend a given college or university. Analysis is usually made by the college FAO, based on information about the student's financial resources (including what the student and his family can afford to contribute to his education, an estimate made by the FAO and usually based on a Parents' Confidential Statement) and the costs, including living expenses, of attending the specific college or university. Criteria for determining need differs at present for different colleges and universities and for different area offices of the BIA.

I. Background

. . . To insure the civilization of the tribes entering into this treaty, the necessity of education is admitted . . .

U. S. Treaty with the Cheyenne and Arapaho, 1867

The special relationship between Indian tribes and the federal government rests primarily on a series of treaties, or real estate transactions, through which the tribes progressively "sold" most of the land in this country to the U. S. government. From the beginning the treaties virtually always included provision for the education and "civilization" of the Indian, this being part of the "price" which the federal government paid for the land. Much current governmental policy and many Indian attitudes toward education have their roots in these treaty provisions and what was done to fulfill them. Greater detail is given on page about the provisions of sample treaties during the nineteenth century, exposing the assumptions held then by the federal government about why there was need for education among Indians. From the beginning, appropriations for Indian education were insufficient, and the education provided was predominantly training in manual skills, the effort being to lead the Indians out of their "uncivilized" ways and fit them to become artisans, unpretentious, working class citizens. The assumption that Indians should be trained to work with their hands rather than with their heads continues to influence governmental policy, so that the current BIA appropriation for post-secondary vocational training is nearly twice that for higher education and in recent years has been three or four times as great.

From the beginning of the reservation period, federal programs of education for Indians were carried out primarily in boarding schools, where children as young as five years of age were separated from their parents and reared in large institutions, deliberately brought up with children of other tribes so that they could not speak their tribal language but would be forced to learn English. It was only during the "New Deal" in the 1930's that the policy of sending Indian children to day schools near their homes whenever possible was firmly established. While a few Indians, mostly encouraged by missionary teachers, went to college and into the professions during the years before World War II, it was almost always at the price of giving up their Indian associations and identity and becoming fully assimilated into the non-Indian world.

In the years since World War II especially, many Indian people have become convinced that they must have education and learn non-Indian skills if they are to survive. The demand for educational opportunities has grown at a considerably faster rate than the provisions for higher education. The chart on page illustrates the mushrooming in both educational opportunities and number of Native Americans taking advantage of these opportunities since 1934.

In spite of the progress, many problems still remain. The following statement by a Native American parent clearly states some of the dilemmas:

> ... About thirty years ago, I graduated from an Indian school and when I returned back to the reservation, there was no work for us young people, just public works like W.P.A. and C.C.C. Our older people had those jobs. During that time, there were no funds available for our further education. Our people were poor and even the crops and the stock. Our boys went to the armed services and some of us headed to the defense plants.
>
> And through the years after the war, it was rough for the young people. If they had this BIA grant and these other sources for higher education then, I am sure that we would have more doctors and lawyers and professional people leading us today but during that time, we had so many setbacks. Now I am happy to see our young people get a chance to further their education.
>
> Now, they took our lands and everything they could from us; but remember, young people, they will never take our Indian minds and the way we think, nor our Indian religions, our peyote, our Yuwipi, and our sun dances. Your forefathers and your parents are with you today to claim what belongs to us in education. We are not asking for handouts, only what belongs to us ...
>
> Nellie Walters Baker (Blackfeet Tribe)

It was to begin to address these problems in concerted fashion that the short-term training project on which this report is based was called. It is because there has not been cooperative problem-solving in the past that the information contained in this report is considered so vital both for Indian parents and students and the governmental and college officials who often, through ignorance of the circumstances, fail to provide for the needs of Native American college and university students.

II. Role of the BIA in Higher Education

> . . . So we find that the whole idea of the federal relationship to Indians is based on a very important point that you're going to hear, I guess, several times, over and over again this week, that's the concept of entitlement. The fact that being a member of a certain tribe, which has a certain treaty relationship with the federal government, that is sanctioned by both Act of Congress and Supreme Court decision, conveys the status to an individual, not as an individual but as a member of a tribe. The relationship is between the tribe and the federal government and not between the individual Indian and the federal government. Therefore, to be entitled, as we see it or as I see it, to these kinds of services, membership or status in the tribe has got to be established, which brings us to the difference between a detribalized mixed-blood, such as the Chicano might be described and an Indian mixed-blood who still is very much aware of his tribal origins and still has a part of the culture of his ancestry. Eligibility is one of the things that we hear often too and want to contrast them as two different concepts, that eligibility is something you become eligible for, one, by being a citizen of the country, and two, falling under certain economic guidelines, which makes you eligible for certain services, and this might be the situation that EOG finds itself in. You must demonstrate a need; any American who can demonstrate this particular need is eligible for something like EOG and a number of services that . . . Model Cities or a number of the so-called Poverty Programs of the late 60's have brought into being.
>
> Entitlement is something else. Entitlement is actually a concept that predates the Constitution, is reinterated by the Constitution and confirmed by repeated Court decisions and Acts of Congress. Entitlement is really the basis of the Bureau of Indian Affairs grant. You'll find that in the rules for applying BIA grants, you'll find the idea of need expressed, you'll find some idea of eligibility also expressed, and the very word "entitlement" is said not to be the basis of the grant. However, in fact, in the actual practice, in the actual award of BIA educational grants, the concept of entitlement is very, very important, because unless a person can prove that one-quarter blood quantum which entitles him to membership in a tribe still receiving services from the federal government, he's not eligible for a Bureau grant. He is not entitled to a BIA educational grant. Oftentimes we could find kids who are eligible for BIA grants, entitled to them, and not eligible for EOG. At the University of Oregon, where a large number of the Indians there were either from the old terminated Grand Ronde Hill Reservations in western Oregon or from the Klamath country in southeastern Oregon, we found just the opposite was true. Here were people who were by blood quantum at or near full-blood Indian but were not eligible for any help from the Bureau of Indian Affairs because the treaty relationship had been terminated, by Act of Congress again, and they were eligible only for the standard financial aid packages available to any other student coming in ..
>
> Richard Wilson (Sioux-Navajo)
> Estes Park, Colorado - June, 1972
> Moderator of U.S.S. sponsored EPDA
> Higher Education Institute.

Many people, including some Native Americans, assume that Native American students are entitled to all educational services, including higher education grants from the Bureau of Indian Affairs, that the "BIA 'takes care of'" all Native American students. This assumption is distinctly untrue as far as grants for college or university education are concerned. Many Native American students are denied a college education or are forced to drop out for financial reasons, because so many of the people counselling them assume either that they are entitled to ample funding from the BIA or that, when BIA grant aid funding is exhausted, there is nowhere else for them to turn.

BIA grant aid for higher education is based on need and is intended to be supplemental to other sources of aid, as shown by the following statement of policy:

> . . . It is the policy of the Bureau to encourage all qualified Indian students to seek higher education. Scholarship grants are not a right. Funds are appropriated by Congress to aid Indian students who are in financial need, after other sources of funds are applied. Bureau scholarship grants serve as the primary source of aid for the majority of Indian students desiring higher education but are unable to finance the same. Indian students are expected to take advantage of the institution-sponsored financial aid programs, such as the assistance provided by the matching fund agreement with the U. S. Office of Education (DHEW). Scholarships Officers have the responsibility to maintain close contact with the major colleges, universities, and tribal groups in the Area, as a means of assisting students to seek other avenues of aid. Tribal scholarships where known to be available should be considered in the total financial package. Scholarships Officers may provide supportive services to tribal organizations who are either interested in or are contracting to provide higher education opportunities to their youth. Determination of an applicant's eligibility, including his need for services, is the responsibility of the Area Office or Agency where the applicant is enrolled.
>
> Indian Affairs Manual Release
> 62 IAM 5.1, "Financial Aid for
> Higher Education"

In order to qualify for BIA grant aid, a student must be one-quarter or more Indian or Alaska Native and he must be able to prove it. He must be a member of a federally recognized Indian tribe. The student who is a member of one of the tribes whose treaty relationship with the federal government has been terminated (e.g. Menominee, Klamath Tribe) or one of the tribes which has never been recognized by the federal government (e.g. Penobscot, Yaqui) is not eligible for BIA grant aid. The BIA applicant must be accepted for enrollment by an accredited college or university, and a need analysis made for him by the Financial Aids Officer at the institution where he has been accepted. He must make his application in time to meet a number of deadlines set by the college and by BIA, often without adequate counselling or information about these deadline dates.

If a student meets all these requirements and is given BIA grant aid, the amount of his total need which is met will depend on the policy of the BIA Area Office in which his tribe is located and the willingness of other funding sources to contribute toward his education. BIA Scholarship Officers come under the authority of the Area Office rather than that of the BIA Higher Education Program located in Albuquerque, New Mexico. This means that no single Branch or Section has line authority to coordinate the various Area Offices' grant aid programs. Grant aid program policies vary widely from Area to Area and, most Area Offices have insufficient staff to provide the follow-up services so badly needed by most Native American grantees. There is no provision for forward funding in the grant aid program, so it is normally August before BIA Scholarship Officers can be sure of their budgets. By then other funding sources are usually exhausted. The lack of priority given the grant aid program in the total BIA educational program is reflected not only in (1) understaffing and (2) lack of authority to coordinate but also in (3) the occasional irresponsible use at the Washington level of grant aid funds for special projects, often politically motivated.

Scholarship Officers are supposed to visit periodically each college campus in their area at which there are students funded by the BIA. Few are able to do so because of the press of routine processing of grant applications and in some cases duties unrelated to the grant aid program. Little BIA staff time is available for extensive meetings or bargaining sessions with college financial aid officers or Office of Education officials. As a result, most BIA Scholarship Officers cannot act effectively as advocates for Native American students when they have difficulty obtaining other grant and loan aid for which they are eligible. Some BIA areas follow the policy of trying to meet the student's full need if he is denied other aid for which he is eligible. Unfortunately this can be done only at the expense of denying some other eligible applicant any aid at all. Some areas provide only partial funding, even if they are aware that the student has not received other aid, a policy which has forced many students to drop out in mid-year when their funding ran out.

In addition, the student's right to continued health care, to which Native Americans are entitled, as part of their special relationship with the federal government, is not assured. Some tribal groups and BIA Area Offices have worked out agreements with Public Health Service Hospitals near the colleges and universities to provide care, but more have not.

A specialized problem which some Native American students face each year concerns the status of tribal per capita payments based on awards to the tribe from the Indian Claims Commission, usually in payment for land for which the tribe was never reimbursed or for which it was grossly underpaid orignally. From the standpoint of the Native American family these windfall payments represent a once-in-a-lifetime opportunity to raise their basic standard of living, but they also represent a final settling of accounts with the U. S. government. Most college FAO's and BIA Scholarship Officers require students to count these payments as part of their family's income in spite of the unusual circumstances. This works a hardship on all such students but particularly those who must count such funds as income during their freshman year, as it is very difficult to adjust financial aid packages substantially in subsequent years. The whole issues still needs to be resolved legally. A Native American lawyer's analysis is given on page 41 .

Because of the lack of economic opportunities on most Indian reservations and because of the punitive aspects of many BIA educational programs in the past, leading to the lowest average educational attainment among Native Americans of any minority group in the country, most Native American students come from families with very low annual incomes. Earnings from summer employment, required as a contribution to most financial aid packages, are either non-existent, for lack of available summer jobs, or are likely to be used for immediate family needs. Native American students and their families were able to contribute an average of less than $100 toward each student's education during 1971-72 (based on need analyses by college FAO's or BIA Scholarship Officers). A record number of Native American students, 10,500 undergraduate and graduate students, were in colleges and universities in 1971-72. However, it is likely that the demand for college education will continue to mushroom as it has in the recent past. If Native Americans had the same percentage of their population in colleges and universities as non-Indians (about 4%), there would be some 36,000 Native American undergraduate and graduate students.

Tribal scholarship programs are available to some Native American students, but they provide a relatively small amount of the total aid available. (See page 10). In addition they are subject to changes in tribal resources or tribal policy. For instance, the largest tribal scholarship program, that of the Navajo Tribe, underwent a policy change recently, whereby tribal scholarships are reserved for graduate students.

Provisions have been made in recent years for tribal groups to contract with the BIA to administer grant funds for their own students. The All-Indian Pueblo Council in northern New Mexico, Tlinget-Haida, and Navajo, have made use of these provisions and are administering their own grant programs, through contracts with the BIA. Tribally administered programs have the potential of considerable flexibility to provide much more counselling and supportive services to their students than most BIA programs, which are understaffed. There is a major difficulty which has prevented more tribal groups from taking advantage of contracting, however: All administrative costs must come out of the grant aid money, so that the contract group is able to give fewer scholarship dollars than would the BIA with the same amount of money. The BIA takes most administrative costs for its grant aid program from other educational budgets rather than from the grant aid budget and spends about 97% of the grant aid funds on grants themselves.

The following projected figures given at the June 1972 Institute by Leroy Falling, Chief of the Branch of Higher Education, indicate how inadequate the BIA grant aid program is to meet the needs of all eligible Native American applicants:

> For the 1972-73 academic year (and summer of 1973), there will be approximately 14,000 eligible applicants for BIA grants, 9,000 continuing students and 5,000 new applicants. These students will have a total need of $43,400,000. (This is calculated as follows: 9,800 single students needing an average of $2,500 minimum and 4,200 married students needing an average of $4,200 for the student and his family). But the BIA budget provides only $16,148,000. This leaves $27,252,000 which the students will need but which the BIA will not be able to provide.
>
> Based on previous performance*, this is what all other sources of aid can be expected to contribute:
>
> 47 tribes with grant programs provide - $ 1,250,000
>
> Leaving $26,002,000

11

Parents and students provide $100 each -	$ 1,400,000
Leaving $24,602,000	
150 private aid sources provide -	550,000
Leaving $24,052,000	
State scholarship programs provide -	800,000
Leaving $23,252,000	
Other federal aid (including EOG, NDSL, and Work-Study) provide -	3,500,000

Leaving $19,752,000 Unmet Need

Major Problems

1. Understaffing and consequent inability to follow through.
2. Lack of ability to coordinate grant aid programs.
3. Lack of priority in total BIA education program.

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*Based on highest percentage of BIA-funded students' total need met by each aid source during academic years 1969-70; 1970-71; 1971-72.

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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BUREAU OF INDIAN AFFAIRS
HIGHER EDUCATION PROGRAM
Fiscal Year 1973

BUREAU OF INDIAN AFFAIRS AREA OFFICES	NUMBER OF STUDENTS FUNDED	ALLOCATIONS
Aberdeen - North Dakota, South Dakota, Nebraska	1,260	$ 1,811,800
Albuquerque - New Mexico	664	1,094,000
Anadarko - Western Oklahoma	1,124	1,574,600
Billings - Montana, Wyoming	854	1,385,000
Juneau - Alaska	1,258	1,956,000
Minneapolis - Minnesota, Wisconsin, Michigan	1,532	1,530,000
Muskogee - Eastern Okalhoma	1,607	2,405,714
Navajo - New Mexico, Arizona	1,835	1,675,000
Phoenix - Arizona, Nevada	950	1,234,800
Portland, Oregon, Washington, Idaho	859	1,063,000
Sacramento - California	653	731,000
Southeast Agencies - North Carolina, Florida	218	235,500
Administration		311,000
Total students funded and allocations to Areas	12,814	$17,007,414

SPECIAL PROGRAMS FUNDED BY BIA HIGHER EDUCATION PROGRAM		NUMBER OF STUDENTS FUNDED	GRANT
American Indian Law Program, University of New Mexico		156	$ 630,000
*** School Administration Graduate Program			265,000
Pennsylvania State University		70	
Harvard University		13	
University of Minnesota		60	
Arizona State University		40	
Head Start Training Program		115	200,000
*** Dartmouth College Special Indian Program		40	61,200
*** Antioch College Para-legal training		12	76,000
Indian Junior Colleges		416	1,908,000
Navajo Community College, Navajo Reservation	$ 1,458,000		
Sinte Gleska College, Rosebud Sioux Reservation	225,000		
Lakota Education Center, Pine Ridge Sioux Reservation	225,000		

13

***College Work Intern Programs			$ 433,429
	Number of Students	Grant	
University of Georgia	14	$ 115,018	
University of North Dakota	15	76,141	
University of South Dakota	10	77,270*	
University of Arizona	20	165,000	
***Other special projects			211,200

Projects include Flaming Rainbow, University without Walls, $12,000; Up With People, $16,000; Lummi Fish Hatchery, $40,000, and others ...

*USD was unable to recruit more than three students so refunded grant and students transferred to University of North Dakota

***Special projects funded through the approval of James Hawkins, Chief of the Branch of Education, Bureau of Indian Affairs.

CONTRACTS WITH TRIBES FOR THE HIGHER EDUCATION PROGRAM

	Administration	Scholarships	Total
Omaha Tribe, Nebraska	$ 8,000	$ 86,500	$ 94,500
All Indian Pueblo Council, New Mexico	63,068	522,450	585,518
Laguna Pueblo, New Mexico	12,000	85,050	97,050
Zuni Pueblo, New Mexico	12,660	67,500	80,170
Tlingit-Haida Central Council, Alaska	33,940	363,164	397,104
Navajo Tribe, Arizona	99,599	1,775,401	1,875,000
*Alaska Federation of Natives, Alaska	22,000		22,000
*Great Lakes Intertribal Council, Wisconsin	16,850		16,850
*Red Lake Band of Chippewa, Minnesota	24,000		24,000
*Minnesota Chippewa Tribe, Minnesota	29,760		29,760
	$321,887	$2,900,065	$ 3,221,952

* counseling services for students

PARTICIPANTS OF FINANCIAL AID OFFICERS TRAINING INSTITUTE
ON NEEDS OF NATIVE AMERICAN COLLEGE STUDENTS
June 26 - 30, 1972

Colleges and Universities

Aaron James
Arizona State University

John P. Schullo
Bemidji State College

Gilbert Bruns
Black Hills State College

Rondo Harmon
Brigham Young University

Bob Richey
Cameron State College

Robert Hage
William Quimby
Dartmouth College

Charles Borberg
Eastern Montana College

Rexer Berndt
Harold Lewis
Chant Lee
Fort Lewis College

Harry Sladich
Gonzaga University

Earl Bowman
Macalester College

Sr. Janice Schmitz
Mary College

Alf A. Aanestad
Minot State College

Greeley Myers
New Mexico State University

Neil Morton
J. K. Hulcher
Northeastern State College

Mrs. Gladys Wilson
Northern Arizona University

William T. O'Connor
Charles Clikeman
Northern Montana College

Don Vogt
Northern State College

Bob Rogers
Oklahoma State University

Richard E. Pahre
Oregon State University

Robert Lyon
Rocky Mountain College

Kenneth Kaufman
Stanford University

J. J. Humphrey
University of Arizona

Penny Collins
University of California-Berkeley

Norma Brunner
Kogee Thomas
U C L A

Mike Tracy
University of Colorado

Martin Snoke
Samuel Lewis
University of Minnesota

William Rasmussen
University of Nevada

Charles Sheehan
Lavon McDonald
University of New Mexico

Harold E. Ray
University of Oklahoma

Richard L. Bowen
Douglas Steckler
University of South Dakota

Colleges and Universities - Continued

Suzanne Feeney
University of Washington

Oral L. Ballam
Utah State University

Robert Comstock
Wisconsin State University

Paul Pearson
Alaska Methodist University

Dan Etulain
Sheldon Jackson University

Charles Fields
University of Alaska

Bureau of Indian Affairs

Harry Eagle Bull
Aberdeen Area Office

Luke Toyebo
Anadarko Area Office

Verlin Belgrade
Billings Area Office

Robert Portlock
Juneau Area Office

Laura Bernhard
Juneau Area Office

Edward C. Lowery
Muskogee Area Office

Emmitt Francis
Navajo Area Higher Education

Bruce Footracer
Navajo Area Higher Education

Stanley Towne
Navajo Area, Navajo Tribal Scholarship

Spencer Sahmaunt
Portland Area Office

Charles Toyebo
Sacramento Area Office

Mrs. Maribel Printup
New York Field Office

Leroy Falling
Branch of Higher Education, Albuquerque

Terry Bylander
All Indian Pueblo Council

George Scott
Deputy Director of Education Programs
Washington, D. C.

Office of Education

Dr. Ed Baschart
U. S. Office of Education, Region X

Dr. Paul Carnell
U. S. Office of Education, Washington, D. C.

Dr. Gene Miller
U. S. Office of Education, Region VI

Dr. Jack Hughes
U. S. Office of Education, Washington, D. C.

Dr. Merle Ogle
U. S. Office of Education, Region VIII

Carol McKenzie
U. S. Office of Education, Region IX

Colleen Reimer
U. S. Office of Education, Region IX

Carolyn Spillman
U. S. Office Education, Region IX

Hubert Shaw
U. S. Office of Education, Washington, D. C.

Special Services

Junella Haynes
University of New Mexico

Dwight Lomayesva
Riverside City College

Bernadine Ricker
Idaho State University

Rollie Boldt
Bemidji State College

Special Services - Continued

Helen Suina
New Mexico Highlands University

Doug Young
Utah State University

Staff and Consultants

Richard St. Germaine, Student
Arizona State University

Nancy Murillo, Student
Idaho State University

Karol Baker, Student
Macalester College

Ethan Bigpond, Student
U C L A

Carol Cypher, Student
Stanford University

Phyllis Howard, Student
Minot State College

Carol Juneau, Student
Eastern Montana College

Clifford Pablo, Student
University of Arizona

Mrs. Nellie Baker, Parent
Englewood, Colorado

Mrs. Rose Bordeaux, Parent
St. Francis, South Dakota

Robert Bordeaux, Parent
St. Francis, South Dakota

Mrs. Resa Davis, Parent
Belcourt, North Dakota

Frank Mazetti, Parent
Valley Center, California

Richard Wilson, Coordinator of Indian Studies
University of New Mexico

Chris McNeil, Education Coordinator
Tlingit-Haida Central Council

Carol Davis, Division of Talent Search
Mary College

Civil Rights (U. S. Department of Health, Education and Welfare)

Clyde Matthews
Washington, D. C.

COLLEGES AND UNIVERSITIES ENROLLING 30 OR MORE AMERICAN INDIAN STUDENTS WHO ARE UNDER BUREAU OF INDIAN AFFAIRS HIGHER EDUCATION ASSISTANCE

INSTITUTION OF HIGHER LEARNING	ADDRESS	NUMBER OF STUDENTS
BRIGHAM YOUNG UNIVERSITY	PROVO, UTAH	450
NORTHEASTERN STATE COLLEGE	TAHLEQUAH, OKLAHOMA	375
HASKELL INDIAN JUNIOR COLLEGE	LAWRENCE, KANSAS	350
NORTHERN ARIZONA UNIVERSITY	FLAGSTAFF, ARIZONA	300
UNIVERSITY OF ALASKA	COLLEGE, ALASKA	250
OKLAHOMA UNIVERSITY	NORMAN, OKLAHOMA	250
FORT LEWIS COLLEGE	DURANGO, COLORADO	225
UNIVERSITY OF NEW MEXICO	ALBUQUERQUE, NEW MEXICO	200
OKLAHOMA STATE UNIVERSITY	STILLWATER, OKLAHOMA	150
UNIVERSITY OF ARIZONA	TUCSON, ARIZONA	150
NAVAJO COMMUNITY COLLEGE	MANY FARMS, ARIZONA	150
CENTRAL STATE COLLEGE	EDMUND, OKLAHOMA	150
CAMERON STATE COLLEGE	LAWTON, OKLAHOMA	140
UNIVERSITY OF MINNESOTA (All Branches)		140
ARIZONA STATE UNIVERSITY	TEMPE, ARIZONA	135
BEMIDJI STATE COLLEGE	BEMIDJI, MINNESOTA	125
PHOENIX, COLLEGE	PHOENIX, ARIZONA	125
BLACK HILLS STATE	SPEARFISH, SOUTH DAKOTA	120
ALASKA METHODIST UNIVERSITY	ANCHORAGE, ALASKA	115
SHELDON JACKSON COLLEGE	SITKA, ALASKA	115
EASTERN MONTANA STATE	BILLINGS, MONTANA	115
UNIVERSITY OF WASHINGTON	SEATTLE, WASHINGTON	105
SOUTHEASTERN STATE COLLEGE	DURANT, OKLAHOMA	100
EAST CENTRAL STATE COLLEGE	ADA, OKLAHOMA	100
CALIFORNIA STATE	LONG BEACH, CALIFORNIA	100
UNIVERSITY OF MONTANA	MISSOULA, MONTANA	90
SOUTHWEST STATE UNIVERSITY	WEATHERFORD, OKLAHOMA	90
NEW MEXICO HIGHLANDS	LAS VEGAS, NEW MEXICO	75
UNIVERSITY OF CALIFORNIA	LOS ANGELES, CALIFORNIA	75
UNIVERSITY OF SOUTH DAKOTA	VERMILLION, SOUTH DAKOTA	75
EASTERN OREGON STATE	LAGRANDE, OREGON	75
OREGON STATE UNIVERSITY	CORVALLIS, OREGON	75
UNIVERSITY OF NORTH DAKOTA	GRAND FORKS, NORTH DAKOTA	70
OKLAHOMA COLLEGE OF LIBERAL ARTS	CHICKASHA, OKLAHOMA	70
MARY COLLEGE	BISMARCK, NORTH DAKOTA	60
NEW MEXICO STATE COLLEGE	UNIVERSITY PARK, NEW MEXICO	55
EASTERN NEW MEXICO	PORTALES, NEW MEXICO	55
EASTERN ARIZONA JUNIOR COLLEGE	THATCHER, ARIZONA	50
UNIVERSITY OF NEVADA	RENO, NEVADA	50
CENTRAL WASHINGTON STATE	ELLENSBURG, WASHINGTON	50
CENTRAL ARIZONA COLLEGE	COOLIDGE, ARIZONA	50
MONTANA STATE UNIVERSITY	BOZEMAN, MONTANA	50
RIVERSIDE COMMUNITY COLLEGE	RIVERSIDE, CALIFORNIA	50
WISCONSIN STATE UNIVERSITY	SUPERIOR, WISCONSIN	50
SANTA ROSA JUNIOR COLLEGE	SANTA ROSA, CALIFORNIA	50
UNIVERSITY OF CALIFORNIA	BERKELEY, CALIFORNIA	50
WASHINGTON STATE UNIVERSITY	PULLMAN, WASHINGTON	45
WESTERN WASHINGTON STATE	BELLINGHAM, WASHINGTON	45
HUMBOLDT COLLEGE	ARCADIA, CALIFORNIA	40
ANCHORAGE COMMUNITY COLLEGE	ANCHORAGE, ALASKA	40
COLLEGE OF THE RED WOODS	EUREKA, CALIFORNIA	40
MESA COMMUNITY COLLEGE	MESA, ARIZONA	35
NORTHERN STATE COLLEGE	ABERDEEN, SOUTH DAKOTA	30
NORTHERN MONTANA COLLEGE	HAVRE, MONTANA	30
UNIVERSITY OF CALIFORNIA, DA	DAVIS, CALIFORNIA	30

NOTE: BUREAU OF INDIAN AFFAIRS HIGHER EDUCATION SCHOLARSHIP GRANT RECIPIENTS ARE ATTENDING NEARLY 600 INSTITUTIONS OF HIGHER LEARNING THROUGHOUT THE CONTINENTAL UNITED STATES. IT IS ESTIMATED THAT ABOUT 10,500 AMERICAN INDIAN COLLEGE STUDENTS WILL RECEIVE SUCH ASSISTANCE DURING THE 1971-1972 ACADEMIC YEAR.

Branch of Higher Education
February 14, 1972

BUREAU OF INDIAN AFFAIRS, HIGHER EDUCATION SCHOLARSHIP GRANT PROGRAM

YEAR	# Students Assisted Appropriations: Educational Loans	# Students Assisted Appropriations: BIA Grants	Students Assisted: Loans	Students Assisted: Grants	Kind of Education: Professional	Kind of Education: Vocational	Kind of Education: Total	# Graduates During Year: Loans	# Graduates During Year: Grants
1934	$ 11,959.45	$ 9,920.70 *3	71		55	6	71	15	*6
1935	13,769.31	9,920.70	88		75	13	88	16	
1936*1	14,000.00	9,920.70	65		60	5	65	27	
1937	15,000.00	9,920.70	81		72	9	81	25	
1938	15,000.00	9,920.70	77		70	7	77	46	
1939	15,000.00	9,920.70	76		66	10	76	76	
1940	15,000.00	9,920.70	63		50	13	63	63	
1941	15,000.00	9,920.70	65		48	17	65	65	
1942	15,000.00	9,920.70	35		33	2	35	35	
1943	24,013.96	9,920.70	140		87	53	140	27	
1944	55,000.00	9,920.70	133		81	52	133	30	
1945	30,000.00	9,920.70	114		33	81	114	10	
1946*2	40,000.00	9,920.70	120		36	84	120	12	
1947	50,000.00	9,920.70	137		55	82	137	30	
1948	50,000.00	*4 9,920.70	162		76	86	162	40	
1949	50,000.00	9,390.00	100	78	106	72	178	1	1
1950	50,000.00	9,390.00	100	39	83	56	139	2	2
1951	50,000.00	9,390.00	100	53	92	61	153	3	5
1952	50,000.00	9,390.00	91	38	110	39	149	7	5
1953	50,000.00	9,390.00	186	37	179	44	223	11	8
1954		9,390.00	*5	208	145	63	208		27
1955		22,935.00		194	135	59	194		30
1956		50,000.00		114	99	15	114		24
1957		50,000.00		290	203	87	290		32
1958		145,000.00		466	349	117	466		45
1959		145,000.00		400	300	100	400		52
1960		250,000.00		612	459	153	612		65
1961		250,000.00		623	498	125	623		73
1962		250,000.00		763	610	153	763		47
1963		650,000.00		963	770	193	963		79
1964		1,150,000.00		1,327	1,062	265	1,327		87
1965		1,150,000.00		1,718	1,374	344	1,718		121
1966		1,400,000.00		1,949	1,559	390	1,949		131
1967		1,998,000.00		2,358	1,887	471	2,358		147
1968		2,248,000.00		2,669	2,136	533	2,669		181
1969		3,100,000.00		3,189	2,552	637	3,189		225
1970		3,848,000.00		4,271	4,271		4,271		293
1971		6,098,000.00		6,623	6,623		6,623		345
1972		15,248,000.00		10,500	10,500		10,500		600

*1 1936 Loans disbursed under tribal reimbursement funds this year - estimated amount.

*2 Some figures from 1946 to 1960 are estimates since all records were not complete.

*3 Tuition grants supplemented loans from 1933 to 1947.

*4 Grant-in-Aids began in 1949 to fully fund students.

*5 Records of loans from 1954 on are not available at this office since loans were being administered by BIA Branch of Credit or Tribal Loan programs

*6 Graduates from 1934-48 were funded mainly by loans - tuition grants were largely supplemental.

III. Role of the Office of Education in Higher Education for Native American Students.

In providing educational services for Native American students, the Office of Education (OE), is a newcomer. Since the mid-60's OE has played an increasingly important role in Indian education, primarily through its administration of programs designed to benefit all low-income students. These include the benefit programs administered by colleges and universities described briefly in the Glossary - EOG (Title IV, Education Act, 1965); Work-Study program (Title IV, Higher Education Act, 1965, as amended); and National Defense Student Loans (Title II, National Defense Education Act, 1958) - and other programs including Special Services, Upward Bound, and Talent Search.

A few other OE programs are sporadically available to benefit Native Americans at the college and university level, but the largest proportion of OE programs available to Native Americans are for elementary and secondary students, especially Impact Aid funds (PL 815 and PL 874) for public school districts and Title I of the Elementary and Secondary Education Act of 1965 (PL 8910). None of this legislation was intended originally to include Native American students, and it was only after considerable pressure was brought to bear that the enabling legislation was amended to specify that these programs could be used for the benefit of Native American children.

OE has an Office of American Indian Affairs designed to provide counsel information to the administrators of the various OE programs, all of which are geared primarily to the needs of non-Indians, since Native Americans are only a tiny proportion of the total population served by any one program. There does not exist any mechanism for ensuring that Native Americans will receive benefits proportional to their numbers and their need for OE programs for the disadvantaged.

A recent OE Indian Education Task Force Report recommended:

> . . . A role that admits an OE responsibility in fulfilling the special relationship between Indians and the Federal Government, but does so within limitations that acknowledge OE's commitment to all the disadvantaged, and that recognizes that OE is not the major Federal locus for fulfilling the special relationship.
>
> Page 11, OE Task Force Report, N. D.

In considering how this policy should be implemented, the Task Force recommended against "establishing a virtually separate Indian program office of division or bureau status that would manage 'its own' discretionary and developmental resources" (page 19). Instead, they did recommend: "identifying Indian education as a priority within the OPS management system while maintaining existing organizational arrangements" (page 18) and "establishing a new policy and program coordination unit by expanding the mandate and strengthening the resources of the present Office of American Indian Affairs" (page 19).

These recommendations may sound eminently reasonable - especially to non-Indians who have no personal acquaintance with the performance of federal programs in relation to Native Americans. But they seem so weak as to be meaningless when seen against the background of the recent history of OE aid programs in serving Native Americans.

As already mentioned, often the enabling legislation had to be amended, specifically before reservation-based Native Americans could be included in the benefits. And, in practice, the almost universal assumption that the BIA "takes care of" all Indians leads most administrators of these programs to discriminate against eligible Native Americans in favor of other minority groups, all larger and more vocal, and other low-income groups. Even when school administrators have hastened to claim Native American students for purposes of funding, they have been highly resistant to making programs available to Native American students in proportion to their actual need. Over the past decade this process has led to more and more frustration on the part of Native Americans and demands for special consideration which many non-Indians interpret as demands for discrimination in favor of Indians but which are really meant simply to counter the many subtle sources of discrimination against needy Native Americans.

A good example of the process is the difficulty - still not resolved - of establishing the right of Native American students to participate in the EOG program, the single largest source of grant aid for low-income students. Since BIA funding is not adequate to meet the full need of all eligible Native American applicants, a good solution to the problem would be to use BIA grants as one of the sources of matching funds for EOG grants. However, when the EOG enabling legislation was passed, the law was interpreted by federal legal staffs to mean that the federal EOG funds could not be matched by other federal funds, for example, BIA grant aid. In addition, the colleges and universities were specifically delegated full authority to administer the EOG's and they set up guidelines which normally would not permit any part of the financial package to be based on need analyses performed outside the institution, for instance, by the BIA Scholarship Officer. After a long, delicate series of negotiations there were changes in the legal interpretation of the enabling legislation, and a Memorandum of Understanding between the Commissioner of Indian Affairs and the Commissioner of the Office of Education was issued in October 1969 outlining the conditions under which BIA grant aid funds could be used to match EOG funds in making up a total financial aid package (see page for full text). The wording of the Memorandum was vague enough, however, to allow for a great variety of interpretations.

Most OE administrators considered that it constituted permission to use BIA funds to match EOG grants but in no way required them to do so. They still considered Native American students to be less needy than other low-income students because of the existence of the BIA grant aid program and conveyed this understanding to the FAO's actually administering the EOG program. A memorandum of September 15, 1969 from the Chief of the Educational Opportunity Grants Branch, OE, to Coordinators of Student Financial Aid at Participating Institutions mentioned the possibility of using BIA grants as matching funds in an offhand manner, simply as a new possibility:

> . . . Scholarship and loan funds provided by the Bureau of Indian Affairs are now eligible for matching educational opportunity grants. By arrangement with Bureau of Indian Affairs scholarship program authorities, institutions will control the selection of students, determination of their need, and amount of BIA funds as part of the total financial aid award. Institutions should contact the Bureau of Indian Affairs Scholarship Program, 5301 Central Avenue, N. E., Albuquerque, New Mexico 87108, for advice concerning making awards involving BIA funds. This new source of matching funds should allow institutions to make greater use of educational opportunity grants in meeting the needs of American Indian students . . .

As the chart on page will demonstrate, the response of college FAO's to this advice was negligible. Less than 0.4% of all EOG funds were awarded to Native American students, and in all cases the BIA was expected to provide the bulk of the total award. Nowhere were BIA funds matched 100% by EOG as was legally possible. BIA Scholarship Officers had no bargaining power but were forced to accept the best compromise they could negotiate with the FAO's in their area, in part because their own lack of forward funding meant they could not definitely commit funds until August. Since both the BIA grant program and most college financial aid programs are understaffed, communications were often poor. When BIA Scholarship Officers found an FAO too difficult to deal with, they would frequently ignore him and continue to provide grants to students attending that institution on the same basis as before the Memorandum of Agreement. In extreme cases they occasionally discouraged students from attending colleges and universities whose policies toward Native American students they considered particularly poor or refused to give grants for attendance at these institutions.

Since the Short-Term Training Institute on which this report is based constituted one of the first opportunities for BIA and college officials to meet to try to solve their common problem, many of the recommendations which came out of the conference had to do with improvements in this area (see page). During the conference itself OE officials frequently assured the participants that the Commissioners of Indian Affairs and the Office of Education were meeting to resolve the problem and would issue a clearer, strengthened Memorandum of Understanding within the next few weeks or months. Eight months later, the Memorandum still has not been issued, reflecting the relatively low priority given to the problems of Native American college students in both agencies. Shortly after the Short-Term Institute in June 1972, Hubert Shaw, Chief of the Educational Opportunity Grants Branch, issued another interpretive memorandum in which he stated specifically that Indian students have low priority for EOG grants:

. . . concerning Indian students, there is no provision in the law for giving preference for an Educational Opportunity Grant to any sub-category of students within the category of "exceptional financial need," other than the requirement that the neediest should be helped first.

Since it is known that Indian students do, in fact, have an entitlement to receive BIA funds, this should be considered in constructing their aid packages, and it is difficult for me to understand how any student with a known entitlement to a public grant can be considered needier than any other student with an equally small parental contribution and no entitlement to a public grant.

It would be poor management of our limited funds and poor discharge of our responsibilities to the totality of disadvantaged students to accept the proposal to substitute in effect, EOG funds for BIA funds for Indian students at the expense of other students who have no claim on BIA funds.

Memorandum of July 5, 1972

The new Basic Opportunity Grant (BOG) program may represent a radical departure from the philosophy of the current OE programs administered by the universities, such as EOG, Work-Study, and NDSL. Unfortunately, as this report goes to press, it is too early to tell what the new program will mean in practice, as guidelines for making the new, standardized need analysis have only just been issued and it is not yet known what the funding level will be for FY 1974, the first year when the new program will be in operation. As Hubert Shaw, Chief of the Educational Opportunity Grants Branch, emphasized repeatedly during the Short-Term Training Institute, unless funding for BOG at least reaches the critical level of $653,500,000, the new program will not affect the OE college aid program at all, and it is very likely that programs will continue to be administered much as at present.

A provision of the BOG program which has the potential of benefiting Native American students appreciably is that it is not based on the idea of matching funds, as is EOG. Rather it is a basic entitlement for which every low-income student must be considered before other aid sources are used in putting together a financial aid package. Those administering the BOG program will be required to use a new, standardized formula for making need analyses, and it is hoped that all other programs of low-income students will follow suit, so that all students will have the same kind of need analysis. Depending only on the contribution they and their families can be expected to make, each low-income student (with the neediest students receiving priority) is entitled to a BOG of up to $1,500. Whether, in the actual administration of the program Native American students will continue to be discriminated against because of the existence of the BIA program remains to be seen, however.

A brief description of all the legislation passed in 1972 intended to improve OE programs for Native Americans is given on page . Another provision of the 1972 Educational Amendments which potentially could be of great benefit to Native American students is the Indian Education Bureau, authorized but not yet in operation, which will have line authority to coordinate and administer OE educational programs for Native Americans. Once again the actual benefits for Native Americans will depend, in large measure, on the way in which the legislation is implemented, and that is not yet known. However, in terms of legislative commitment, the potential exists for correcting the abuses of OE programs which have occurred in the past.

Your speech written on the great paper, is to us like the first light of morning to a sick man, whose pulse beats too strongly in his temples, and prevents him from sleep. He sees it, and rejoices, but he is not cured . . . .

Speech of Chiefs Cornplanter, Halftown, Great Tree, Seneca Nation, to President of the United States, 1790

Major Problems

1. Total lack of coordination of programs for Native Americans.

2. Native Americans have lowest priority in OE programs of financial assistance to the disadvantaged, because of the assumption that BIA programs are adequate, and because they are such a small minority group.

IV. Role of Colleges and Universities

Financial Aid Officer: . . . I am more convinced than ever by statements by Indians and their friends that the Indian students want to be treated differently - all grants, no loans, no jobs. They seem to want reverse discrimination. They want excused from normal administrative procedures.

Native American College Student: As a student, sensitivity has not been lacking, it is the frustration of being unable to learn necessary information about financial aids.

Native American Parent: We, the Indian people, need more representation in those offices, to find out what the inner sanctum is doing. I mean a lot of non-Indians.

Responses to the same question on evaluation form filled out by all participants at end of Short-Term Instructional Institute, June, 1972

Colleges and universities are "where the action is" for the Native American student. Whether or not he is able to enter college at all depends on many factors, including the adequacy of his counselling in secondary school and his access to counselling and aid from the BIA or tribal sources. Whether or not the student has a financial aid package which meets his total need and whether or not he receives supportive services vital to the student meeting new academic and social challenges depends on the college financial aid office and the policy of the college toward its Indian students. Few students are lucky enough to find a situation geared to meeting their needs, and it is a striking fact that the colleges and universities in "Indian Country" with the largest Native American enrollments are usually the least sensitive to the financial, social, and cultural needs of Native American students.

Only a handful of colleges and universities stand out as having the capability of offering adequate financial aid packages to most Native American applicants: UCLA, Stanford, and Dartmouth especially. In general, private colleges and universities have been willing and able to use more of their own scholarship funds for Native American students than public colleges and universities.

Very few colleges and universities have devoted appreciable EOG funds to Native American students (see the chart on page * for details). Most have given a few token EOG grants, but a few colleges have blatantly refused to give any EOG grants to Native American students. As an FAO to a small public college in the Dakotas, where Indians are the only minority group represented on campus, admitted to a Native American student, "We take care of our own first."

FAO's cite a number of reasons for their reluctance to commit EOG funds to Native Americans. A few of the FAO's responses on the evaluation sheet filled in by all participants at the Short-Term Instructional Institute at Estes Park provides a sample:

"We have needier students than the Indian students after 1/2 his needs are met by BIA grant. We don't give additional funds."

"All Indian students receiving BIA grants are excluded from EOG because they do get some 'free money' and others don't."

". . . They seem to want free rides for Indians, they want to be their own financial aids officers, they want to project their jobs and bureaucracies. They play politics with Bureau and tribal monies, whereas FAO's have to be fair to all applicants, 95% to 99% of whom are not Indian."

". . . aid officers have been encouraged to refer Indian students to the BIA for funding (many for full funding) since sufficient funds were available in FY 72 . . . Working ten to fifteen hours a week has yet to be proven detrimental to the academic standing of college students and I sincerely doubt whether the Indian student is that much different . . . . Maybe I'm wrong, but the greatest single thing lacking in the education of Indian youth is the opportunity to learn responsibility."

Policy toward Indian students is "same as with all minority students. Blacks don't have BIA so they are considered for grants first. Besides, if I gave any special consideration to Indian students, the Blacks would burn the building down."

"The Indian claims they distrust the white man. The white man does not distrust the Indians. Therefore I feel we do not have to prove our trust; they have to be willing to trust us."

Aside from value judgments which tend to suggest there are some non-Indian FAO's who do distrust Indians, the chief reason for denying EOG grants to Native Americans is that, having a right to aid from the BIA, they are not the neediest applicants. There are several large holes in this argument which most FAO's genuinely seem not to see:

1. Although they discount the needs of Native American students, most colleges count these same students - on the basis of family income - as among their neediest when applying to OE for EOG and other federal funding. Thus the criteria for establishing Native American students' need are different when the college is applying for funds than when those same funds are being dispersed. This constitutes direct discrimination against Native American students. Complaints have been made to HEW area Civil Rights offices against two colleges with relatively large Native American enrollments which categorically denied EOG aid to Indian students, in one case to a student who was not an enrolled member of his tribe and therefore was not entitled to BIA aid. In both cases the complaint was settled out of court and Native American students did receive EOG grants for the 1972-73 academic year.

2. The intent of the EOG program is directly undercut by denying aid to a student from a family which can contribute less than $100 a year to his education on the grounds that he may be entitled to other aid which can probably meet only a part of the need. The intent of EOG is to enable students to attend college who otherwise would have no hope of higher education. This is the reason for the policy of starting with the neediest student, meeting his full need, and then going on to the next neediest student. An American Indian or Native Alaskan student who has no resources other than the BIA has not been enabled to attend college when half his need is met by the BIA; he has only been encouraged to become a mid-year drop-out.

Adequate funding is only one of the problems the Native American student faces, and the Student Penel at the Short-Term Instructional Institute in Estes Park spent most of their time discussing the problems students face before and after their financial need is met. These include:

(1) Inadequate academic preparation and counselling in secondary school. Many Native American students, not realizing they may have a chance to attend college, make the decision to apply at the last minute, missing important financial aid deadlines, so that their chances of receiving adequate financial aid are minimized. If the student does receive aid, it may be very late in arriving, forcing him to register late and thus start his freshman year at an additional academic and social disadvantage. Better information to high school students would prevent many mistakes and disappointments.

(2) Fear of accepting jobs or loans as part of their financial aid packages until they are sure they will "hack it." Through word of mouth most Native American students are aware that, as a group, they run a high risk of flunking out or dropping out. Knowing that family and other resources to repay the loan if they do drop out simply don't exist, many incoming Native American students consider themselves such "poor risks" that they can literally be frightened out of school by being required to take out a loan as part of the financial aid package.

(3) Lack of counselling and tutoring or remedial programs at college. In the precarious position in which most Native American students find themselves on arrival at college, special supportive services to help them "hack it" academically may be crucial. As long as secondary programs for Native Americans are so poor, this will continue to be true, yet few colleges or universities anticipate the need for remedial aid, and those Special Services which do exist (some tutoring programs, as well as Talent Search and Upward Bound programs to work with students at the secondary level) are generally federally funded and thus do not represent any particular commitment on the part of the college.

(4) Competition from other minority groups on campus, most of which are larger and more aggressive, the "squeaking wheels which get the grease."

(5) Lack of support from other Native Americans, students and parents. Most Native American students need help in coping with the situation they meet at college. In general, colleges with active Indian clubs or organizations or special Indian programs have a lower drop-out among Native American students than colleges or universities without such programs. In addition, one of the short-term solutions recommended at the Short-Term Instructional Institute, June, 1972, was that upperclass Native American students be trained in financial aid and employed as assistance to overworked FAO's. Another suggestion was that committees representing parents of Native American students would provide important communication between colleges and Native American communities, as well as providing much-needed Native American input into college programs; none currently exist.

(6) Lack of evidence of real opportunity for educated Native Americans. Very few colleges and universities attended by Native Americans have even token employment of Native American teaching staff, except occasionally for special, federally-funded projects. Universally financial aid and admissions offices have not made any attempt to include Native Americans on their staffs or to recruit actively for Native American students, as they have done for other minority groups. Only token efforts, using students on a volunteer basis or using Special Services staffs have been attempted.

The overall picture is of many colleges and universities who willingly profit from BIA and tribal grant monies brought in by Native American students, as well as by any federal programs for which they may be eligible through Native American students or communities. Evidences of real commitment

to Native American students are rare; they include funding of programs for Native Americans from their own budgets or hiring Native Americans for other than special, federally-funded programs. Conspicuous in this respect is the University of South Dakota, which in 1971-72 received $2,112,896 from the federal government for programs related to Native American students and Native American communities. Only 75 Native American students are known to be enrolled at the University of South Dakota, even though the university is in the heart of "Indian country," and the bulk of their financial aid comes from the BIA. As the chart on page shows, there are many other colleges and universities where the total picture is similar, though less exaggerated.

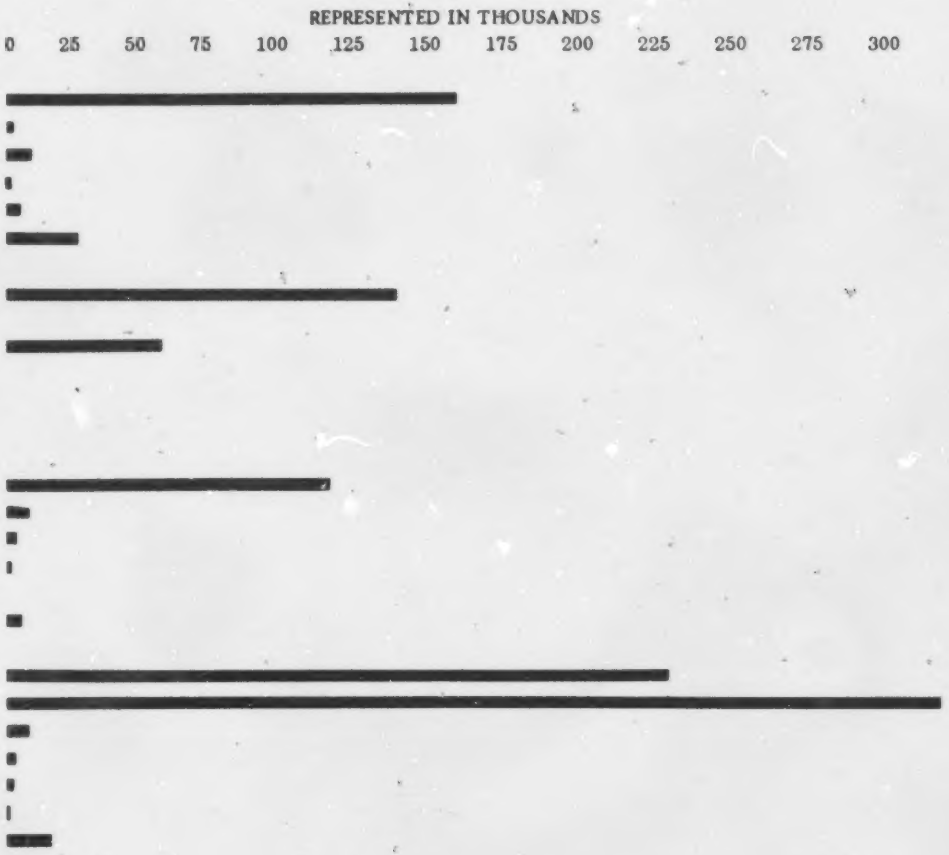
One of the FAO's at the Short-Term Instructional Institute complained on his evaluation form: "I felt that USS loaded this conference against FAO's. You gave us very little chance to expound our positions or problems, you bombarded us with criticism, denied us access to key speakers, generally isolated us from contact with Indian people in non-meeting situations." It is true that this report has not taken cognizance of the real, heartrending problems faced daily by most FAO's: understaffing, low salaries, low prestige and priority in the college hierarchy, insufficient funds and constant challenge from low-income students and minority groups who feel they have not gotten a fair share. Native Americans cannot afford to be persuaded that they deserve their lowest priority status, but we can allow an FAO to have the last word:

> Very few demonstrated ill will. Still, and unfortunately in spite of themselves, many practices do in fact discriminate against the Indian student.
>
> FAO Evaluation Form, Short-Term Instructional Institute

FINANCIAL AID TO NATIVE AMERICAN STUDENTS
1971-'72

NOTE We have included all the information we were able to gather from colleges/universities, BIA offices, and tribal scholarship programs in the graphs below.

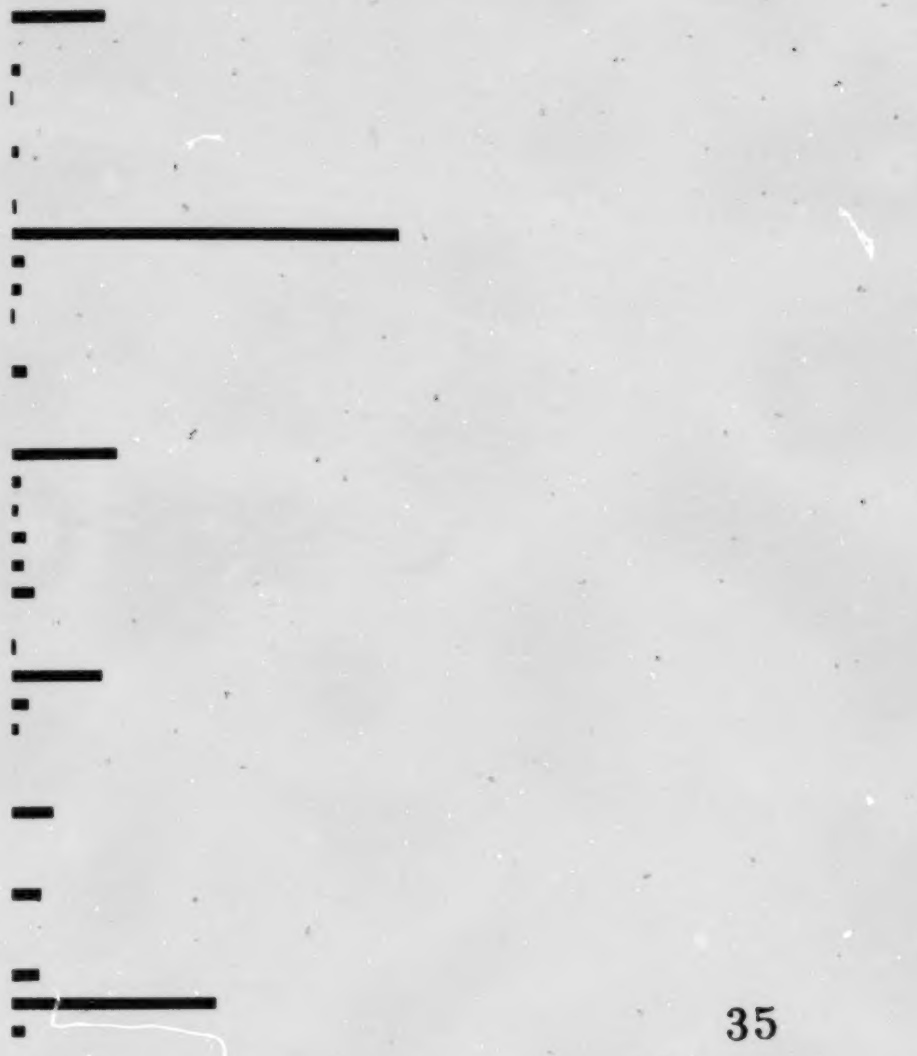
COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES
ARIZONA STATE UNIVERSITY Tempe, Arizona	135	BIA	141,405
		Tribal	1,720
		EOG	10,675
		Work-Study	1,500
		NDSL	5,550
		Other	28,802
BEMIDJI STATE COLLEGE Bemidji, Minnesota	168	BIA	142,524
		Tribal	
		EOG	61,344
		Work-Study	
		NDSL	
		Other	
BLACK HILL STATE COLLEGE Spearfish, South Dakota	120	BIA	123,863
		Tribal	10,250
		EOG	3,600
		Work-Study	1,400
		NDSL	
		Other	4,800
BRIGHAM YOUNG UNIVERSITY Provo, Utah	450	College	257,070
		BIA	379,976
		Tribal	8,137
		EOG	1,650
		Work-Study	1,150
		NDSL	400
		Other	18,556



COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES	REPRESENTED IN THOUSANDS 0 25 50 75 100 125 150 175 200 225 250 275 300
CAMERON STATE COLLEGE	140	College		
Lawton, Oklahoma		BIA	22,115	
		Tribal		
		EOG	1,850	
		Work-Study	10,147	
		NDSL	4,400	
		Other	16,194	
CENTRAL ARIZONA COLLEGE	50	College		
Pima, Ar...		BIA	36,391	
		Tribal	800	
		EOG	15,147	
		Work-Study	17,720	
		NDSL		
		Other	4,127	
DARTMOUTH COLLEGE	28	College	35,585	
Hanover, New Hampshire		BIA	26,904	
		Tribal	1,250	
		EOG	7,200	
		Work-Study	3,520	
		NDSL	11,650	
		Other	34,750	
EASTERN MONTANA COLLEGE	195	College		
		BIA	221,352	
		Tribal	20,005	
		EOG	3,896	
		Work-Study	2,863	
		NDSL	700	
		State Tuition Fee Waivers	34,343	
		Other	7,278	
EASTERN WASHINGTON STATE COLLEGE	82	College	1,932	
		BIA	71,123	
		Tribal	14,902	
		EOG	3,600	
		Work-Study	2,670	
		NDSL	11,750	
		Other	18,321	

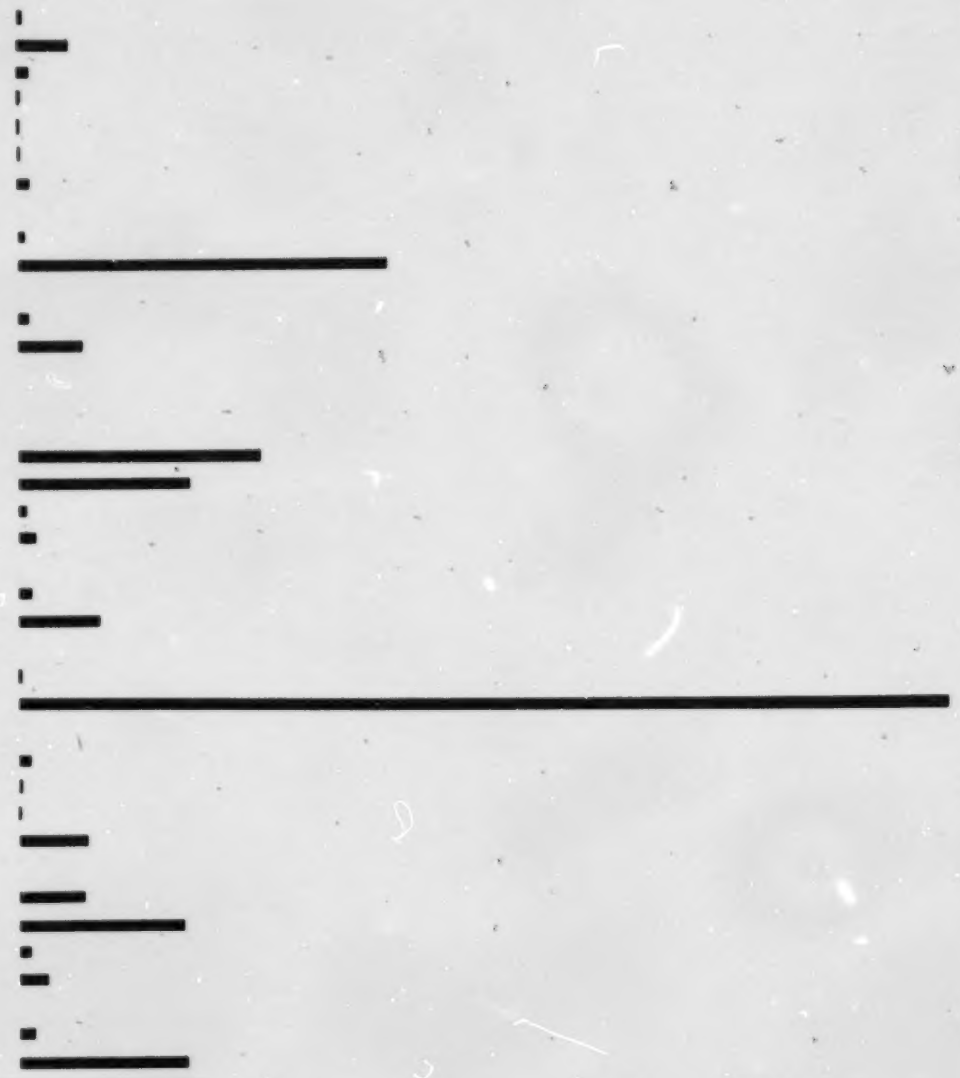
COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES	REPRESENTED IN THOUSANDS 0 25 50 75 100 125 150 175 200 225 250 275 300
FORT LEWIS COLLEGE	225	College [tuition		
Durango, Colorado		fee waivers]	18,237	
		BIA	124,003	
		Tribal		
		EOG	1,606	
		Work-Study		
		NDSL	2,880	
		Other	16,835	
GONZAGA UNIVERSITY	36	College	3,210	
Spokane, Washington		BIA	36,070	
		Tribal	3,715	
		EOG	5,292	
		Work-Study		
		NDSL	8,450	
		Other	3,124	
IDAHO STATE UNIVERSITY		College		
Pocatello, Idaho		BIA	36,288	
		Tribal	1,372	
		EOG	17,925	
		Work-Study	1,879	
		NDSL	1,750	
		Other	12,314	
MACALESTER COLLEGE		College	32,245	
St. Paul, Minnesota		BIA	25,615	
		Tribal		
		EOG	13,500	
		Work-Study	3,075	
		NDSL	2,100	
		Other	2,575	
MARY COLLEGE	60	College		
Bismarck, North Dakota		BIA	65,730	
		Tribal	3,600	
		EOG	14,900	
		Work-Study		
		NDSL		
		Other	14,605	

COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES
MINOT STATE COLLEGE Minot, North Dakota	29	College	
		BIA	35,642
		Tribal	
		EOG	3,600
		Work-Study	102
		NDSL	
		Other	3,250
NEW MEXICO HIGHLANDS UNIVERSITY	122	College	300
		BIA	139,187
		Tribal	6,860
		EOG	2,300
		Work-Study	246
		NDSL	
		Other	5,560
NEW MEXICO STATE UNIVERSITY	53	College	
		BIA	46,172
		Tribal	2,100
		EOG	1,300
		Work-Study	3,982
		NDSL	3,450
		Other	8,359
NORTH DAKOTA STATE UNIVERSITY Bottineau, North Dakota	43	College	398
		BIA	36,781
		Tribal	5,674
		EOG	800
		Work-Study	
		NDSL	
		Other	16,492
NORTHEASTERN STATE COLLEGE Tahlequah, Oklahoma	375	College	
		BIA	12,750
		Tribal	
		EOG	
		Work-Study	12,490
		NDSL	77,485
		Other	5,070



COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES	REPRESENTED IN THOUSANDS 0 25 50 75 100 125 150 175 200 225 250 275 300
NORTHERN ARIZONA UNIVERSITY	300	College		
Flagstaff, Arizona		BIA	122,768	
		Tribal	5,550	
		EOG	20,975	
		Work-Study	1,200	
		NDSL	200	
		Other	2,855	
NORTHERN MONTANA COLLEGE	35	College	4,590	
		BIA	41,355	
		Tribal	900	
		EOG		
		Work-Study	2,442	
		NDSL		
		Other	27,424	
NORTHERN STATE COLLEGE	30	College	1,250	
Aberdeen, South Dakota		BIA	11,795	
		Tribal	600	
		EOG	900	
		NDSL		
		Work-Study		
		Other	6,570	
OKLAHOMA STATE UNIVERSITY	49	College		
Stillwater, Oklahoma		BIA	22,787	
		Tribal		
		EOG	9,100	
		Work-Study	11,375	
		NDSL	19,095	
		Other	2,100	
OREGON STATE UNIVERSITY	75	College	800	
		BIA	30,505	
		Tribal	6,300	
		EOG	10,636	
		Work-Study	1,832	
		NDSL	7,150	
		Other	6,255	

COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES
ROCKY MOUNTAIN COLLEGE Billings, Montana	15	College	1,100
		BIA	21,537
		Tribal	4,675
		EOG	1,950
		Work-Study	1,075
		NDSL	450
		Other	5,214
SHELDON JACKSON UNIVERSITY Sitka, Alaska	115	College	2,150
		BIA	134,110
		Tribal	
		EOG	4,300
		Work-Study	26,235
		NDSL	
		Other	
STANFORD UNIVERSITY Stanford, California	46	College	93,046
		BIA	68,369
		Tribal	3,933
		EOG	8,332
		Work-Study	
		NDSL	5,252
		Other	33,279
UNIVERSITY OF ALASKA Fairbanks, Alaska	300	College	600
		BIA	396,833
		Tribal	
		EOG	6,400
		Work-Study	1,160
		NDSL	600
		Other	27,500
UNIVERSITY OF ARIZONA Tucson, Arizona	150	College	26,403
		BIA	65,072
		Tribal	4,290
		EOG	13,175
		Work-Study	
		NDSL	8,100
		Other	67,288



COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES
UCLA	105	College	
Los Angeles, California		BIA	103,025
		Tribal	1,345
		EOG	40,187
		EOP	51,446
		Work-Study	4,226
		NDSL	32,802
		Other	102,574
UNIVERSITY OF COLORADO	61	College	36,915
Boulder, Colorado		BIA	118,386
		Tribal	
		EOG	9,600
		Work-Study	13,610
		NDSL	16,550
		Other	5,096
UNIVERSITY OF MINNESOTA	140	College	11,760
All Branches		BIA	134,459
		Other	24,198
UNIVERSITY OF MONTANA	90	College	2,000
Missoula, Montana		BIA	137,012
		Tribal	3,885
		EOG	6,166
		Work-Study	8,742
		NDSL	900
		Other	20,607
UNIVERSITY OF NEVADA	77	College	5,070
Reno, Nevada		BIA	79,450
		Tribal	
		EOG	13,700
		EOP	2,600
		Work-Study	5,874
		NDSL	2,550
		Other	
UNIVERSITY OF NEW MEXICO	200	BIA	121,478
Albuquerque, New Mexico		EOG	200
		Other	4,331

REPRESENTED IN THOUSANDS

0 25 50 75 100 125 150 175 200 225 250 275 300

COLLEGE OR UNIVERSITY	NUMBER NA STUDENTS	AID SOURCE	ACTUAL MONIES	REPRESENTED IN THOUSANDS 0 25 50 75 100 125 150 175 200 225 250 275 300
UNIVERSITY OF OKLAHOMA	178	College	2,450	
Norman, Oklahoma		BIA	36,306	
		Tribal		
		EOG	2,200	
		Work-Study		
		NDSL	8,600	
		Other	12,088	
UNIVERSITY OF SOUTH DAKOTA	75	College		
Vermillion, South Dakota		BIA	94,430	
		Tribal	2,800	
		EOG	5,500	
		Work-Study		
		NDSL		
		Other	17,240	
UNIVERSITY OF WASHINGTON	115	BIA	102,178	
Seattle, Washington		EOG	1,000	
		Other	919	
UTAH STATE UNIVERSITY	60	College		
		BIA	48,287	
		Tribal		
		EOG	27,950	
		Work-Study		
		NDSL	1,050	
		Other	15,477	

V. Recommendations

Almost every facet of educational opportunities for Native American students needs to be improved, if the many factors keeping many Native American young people from achieving their full potential are to be overcome. Improvement in any one area will improve matters but will also point up dramatically the problems that still remain. The many new opportunities available to Indians, at least on a token basis, and the dramatic increase in the number of Native American youth going on to college in recent years have thrown a harsh light on the problems outlined in this report.

Each individual will want to start tackling the problems at a different entry point, depending on his own experience. For instance, at the Short-Term Instructional Institute at Estes Park, a number of FAO's suggested that the BIA grant aid program should be turned over to the FAO's to administer, while the BIA Scholarship Officers felt, on the contrary, that a percentage of the money in the EOG and other federal programs for the disadvantaged should be "set aside" for the use of Native American students and turned over to the BIA to administer. Obviously neither is apt to happen although it is possible that funds from the OE programs will be "set aside" and administered by the OE Indian Education Branch, which was mandated by Congress in 1972 but has not yet been established. The crying need, however it is accomplished, is for a coordinated approach to the development of financial aid packages for low-income Native American students which will meet their full need. This would avoid the situation which did arise in the fall of 1972, a year when FAO's had been assured BIA funding was adequate, when 2,500 BIA applicants were not able to enter college.

While the Short-Term Instructional Institute represented a broad spectrum of very different points of view, it was possible to pull together a strong statement of recommendations from the group as a whole. After meeting extensively in two groups, one consisting of FAO's and the other of BIA staff and Native American students and parents, and adopting a separate list of recommendations for each group, a meeting of the whole took place and the following resolutions were adopted by majority vote:

RECOMMENDATIONS BY THE PARTICIPANTS AT THE EPDA HIGHER EDUCATION INSTITUTE, Estes Park, Colorado, June 25-30, 1972

We recommend that the proper order of financial aids packaging for American Indians and Native Alaskan students shall be as follows:

1. BOG
2. EOG
3. State grants, fee waivers, other institutional scholarships and grants
4. BIA scholarships
5. National Defense Student Loans and College Work-Study

and that further, college presidents and financial aids administrators be so instructed by Mr. Hubert Shaw, Chief, Branch of Program Development, U. S. Office of Education, as soon as possible.

We recommend

That a standardized application form be worked on and approved by the Bureau of Indian Affairs, USOE, and local education agencies.

That there be a re-examination of deadline dates and deadline policies.

That all financial aids committees include Indian students and that Indians be included in Regional Committees for reviewing institutions' application for funding.

That there be a survey of services to Indian students by schools with Indian student enrollment by an Indian Task Force.

That Public Health Service make available services to Indian students through a General Use Card.

That every financial aids office at schools with significant Indian enrollment have Indian personnel.

All USOE regional offices have financial aid workshops for Indian parents and students which would include BIA scholarship personnel and FAO's, as a shared responsibility.

We recommend:

That representatives of groups of people affected or to be affected by programs, actions, directives, guidelines and/or policies of others (i.e., USOE, BIA, HEW, USS, etc.) be invited to participate in the development of those things.

a. For example, that representatives from the following groups be involved in the development of the upcoming "Memo of Understanding" between USOE and BIA: students, FAO's, Student Special Services project directors, and regional USOE and BIA representatives.

b. And that at least one representative of each of the groups named above be involved in the development of guidelines, etc., required to implement the following specific titles of the Education Amendments of 1972: Student Financial Aid and Student Special Services programs, institutions and all parts of each that will affect them.

Further, that they be formally appointed to the appropriate USOE task forces appointed to develop such guidelines - particularly those portions relating to Native Americans.

That a standing committee be appointed to take such action as may be appropriate to ensure implementation of each of the recommendations coming from this institute. The committee should consist of the following groups: students, central and regional offices of BIA and USOE (Student Financial Aids and Student Special Services), FAO's, Student Special Services project directors, USS, and other groups as may be specified and that staff for the committee be provided by USS.

That BIA develop a national operations manual with consistent guidelines such as the EOG manual for distribution to and use by all interested parties: BIA area and agency offices, USOE, institutions of post-secondary education, tribes, student organizations, and individuals. And that until this can be accomplished that the BIA area offices develop written area guidelines and distribute information.

That Area Liaison Student Assistance Councils be formed consisting of representatives from the student community, Student Special Services project directors, USOE, BIA, institutions, and others as appropriate. The areas will be defined by the areas of the BIA. The initial responsibility for implementation will be a joint effort of USOE and BIA.

That the BIA and FAO's be encouraged to give strong support to each others' request for annual appropriations.

That the BIA only give scholarships to students for whom need has been established through one of the federally approved financial aid needs analysis systems.

These recommendations, while vigorously espousing measures designed to improve the process of allocating financial aid to Native American students, did not spell out in detail the need for greater commitment to Native American students in the total programs of colleges and universities. Financial aid is only the first step. Once Native Americans have established a secure place in the colleges, the next step must be measures designed to make the college programs "theirs," so that Native American students will no longer be treated as invisible or as "foreign students."

. . . . "The need for education is admitted . . . ."

APPENDIX I

EXCERPTS FROM INDIAN TREATIES 1778-1883,
Compiled and Edited by Charles J. Kappler

U. S. Treaty with the Delaware Tribe, 1804

Article 2. The said tribe shall receive from the United States for ten years, an additional annuity of three hundred dollars, which is to be exclusively appropriated to the purpose of ameliorating their condition and promoting their civilization. Suitable persons shall be employed at the expense of the United States to teach them to make fences, cultivate the earth, and such of the domestic arts as are adapted to their situation; and a further sum of three hundred dollars shall be appropriated annually for five years to this object. The United States will cause to be delivered to them in the course of the next spring, horses fit for draft, cattle, hogs and implements of husbandry to the amount of four hundred dollars. The preceding stipulations together with goods to the amount of eight hundred dollars which is now delivered to the said tribe, (a part of which is to be appropriated to the satisfying certain individuals of the said tribe, whose horses have been taken by white people) is to be considered as full compensation for the relinquishment made in the first article.

U. S. Treaty with the Choctaw Tribe, 1820

Article 7. Out of the lands ceded by the Choctaw nation to the United States, the Commissioners aforesaid, in behalf of said States, further covenant and agree, that fifty-four sections of one mile square shall be laid out in good land, by the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of the Choctaw schools, on both sides of the Mississippi river. Three-fourths of said fund shall be appropriated for the benefit of the schools here; and the remaining fourth for the establishment of one or more beyond the Mississippi; the whole to be placed in the hands of the President of the United States; and to be applied by him, expressly and exclusively, to this valuable object.

U. S. Treaty with the Kansas Tribe, 1825

Article 5. Out of the lands herein ceded by the Kanzas Nation to the United States, the Commissioner aforesaid, in behalf of the said United States, doth further covenant and agree, that thirty-six sections of good lands, on the Big Blue river, shall be laid out under the direction of the President of the United States, and sold for the purpose of raising a fund, to be applied, under the direction of the President, to the support of schools for the education of the Kanzas children, within their Nation.

U. S. Treaty with the Delaware Tribe, 1829

Supplementary article to the Delaware Treaty, concluded at St. Mary's in the State of Ohio, on the end of October, 1818.

And it is further stipulated that thirty-six sections of the best land with the limits hereby relinquished, shall be selected under the direction of the President of the United States, and sold for the purpose of raising a fund, to be applied under the direction of the President, to the support of schools for the education of Delaware children.

U. S. Treaty with the Menominee Tribe, 1831

Fifth. In the treaty of Butte des Morts, concluded in August 1827, an article is contained, appropriating one thousand five hundred dollars annually, for the support of schools in the Menomonee country. And the representatives of the Menomonee nation, who are parties hereto, require, and it is agreed to, that said appropriation shall be increased five hundred dollars, and continued for ten years from this date, to be placed in the hands of the Secretary at War, in trust for the exclusive use and benefit of the Menomonee tribe of Indians, and to be applied by him to the education of the children of the Menomonee Indians, in such manner as he may deem most advisable.

U. S. Treaty with the Potawatomi Tribe, 1832

Article IV

The United States agree to appropriate, for the purpose of educating Indian youths, the annual sum of two thousand dollars, as long as the Congress of the United States may think proper, to be expended as the President may direct.

U. S. Treaty with the Nez Perces, 1855

Article 5. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery,one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tinshop and to the other a gunsmith's shop; one carpenter's shop, one wagon and plough maker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

U. S. Treaty with the Cheyenne and Arapaho Tribes, 1867

Article 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

APPENDIX II

EXCERPTS FROM "A NEW ERA FOR AMERICAN INDIANS"
Speech of President Nixon on July 8, 1970

"The first Americans - the Indians - are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement - employment, income, education, health - the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demanding.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaption and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country - to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions . . . "

"...The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles.

But most importantly, we have turned from the question of <u>whether</u> the Federal government has a responsibility to Indians to the question of <u>how</u> that responsibility can best be fulfilled. We have concluded that the Indians will get better programs and that public monies will be more effectively expanded if the people who are most affected by these programs are responsible for operating them.

The Indians of American need Federal assistance - this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relationship between the United States and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome."

RICHARD NIXON
THE WHITE HOUSE
July 8, 1970

APPENDIX III

BUREAU OF INDIAN AFFAIRS HIGHER EDUCATION PROGRAM

The Bureau of Indian Affairs encourages all qualified American Indian students to seek higher education for the purposes of developing leadership and increased employment opportunities in professional and vocational fields. The Act of June 18, 1934, (Stat. 986, U.S.C. 471), authorizes a program of assistance, by educational loans to American Indians desiring higher education. The Bureau provides monetary grants for higher education under the authority of 25 U.S.C. 13.

Two general classes of higher educational aid are available for eligible applicants, Bureau loans or grants. Educational loans are administered under the provisions of 47 IAM 10, Educational Loans. Scholarship grants are administered by the Bureau's eleven Area Offices and reservation-based Agency Offices under the provisions of 62 IAM 5, Financial Aid for Higher Education. To the Indian students' advantage, the Higher Education Program currently functions almost entirely as a non-reimbursable grant program. A minimal number of loans are available; however, loan monies are generally expended by tribal organizations for community development purposes.

PROGRAM ELIGIBILITY

Scholarship funds are annually appropriated by Congress to aid American Indian students who are in need of financial assistance after other sources of available assistance are applied. Bureau Scholarship grants serve as the primary source of aid for the majority of American Indian students desiring higher education but are unable to finance the same.

Eligibility for scholarship grant assistance is dependent upon certain established criteria; recipients must possess one-fourth or more degree American Indian, Eskimo, or Aleut blood, as recognized by a tribal group served by the Bureau of Indian Affairs. Financial need and scholarship ability are factors of consideration, as well as having the applicant enrolled or accepted for enrollment at an accredited college or university, primarily as a full-time student.

High school counselors and Bureau scholarship representatives have the responsibility to provide guidance and counseling services to prepare students for higher education, including assisting to make application for college admittance, and obtaining financial support. Counselors should maintain an adequate library of reference materials and college catalogs, in addition to being versed on the growing number of scholarship aid programs offered within many States for eligible students. In planning an adequate financial plan, every possible avenue should be explored to support college related needs. Indian students are expected to take advantage of the financial aid programs offered by the majority of our nation's colleges and universities to needy and qualified students. Determination of eligibility is the primary responsibility of the Agency and/or the Area Office where the applicant is enrolled.

UNIVERSITIES AND COLLEGES

The institution that a student elects to attend must be accredited by a nationally recognized accrediting agency, by a State Department of Education, by a State University or be an institution whose credits are accepted on transfer by not fewer than three institutions which are accredited by a national accrediting agency or association on the same basis as if transferred from an accredited institution (three-institutional certification). Junior colleges may qualify if they meet the denoted criteria.

APPLICATION PROCEDURE (INITIAL APPLICANTS)

The Agency and/or the Area Office having service responsibility for the applicant's tribal group is responsible for the review and processing of higher education requests. A student interested in consideration for an initial Bureau of Indian Affairs scholarship grant should either make personal contact, complete an appropriate application form, or direct a letter to the proper Agency or Area Office having record of his tribal relationship. Such a letter should contain basic information such as the applicant's full name, parents' name,

address, tribal name and address, name and address of prospective college or university the applicant plans to attend or is attending, high school and/or college transcript, and educational objective. This procedure may be completed prior to making application for college acceptance, although a student must be accepted by or enrolled at an accredited institution before a scholarship grant award is made.

A student should apply for college admission well in advance of the enrollment date. Many high school seniors apply for admission prior to graduation, thereby enhancing their opportunity for college acceptance and consideration for college-based financial support. The financial aids office of the institution the applicant plans to attend or is attending should be contacted for an official need evaluation at the earliest possible date. The student may request that a copy of the need evaluation be forwarded to the scholarship representative at the Bureau Agency or Area Office servicing his or her tribal affiliation. This need evaluation will likely define the institution's financial commitment and the amount of unmet need. The Bureau scholarship representative will base the amount of the Bureau grant award on the institution's evaluation, particularly on the unmet financial need. A letter of notification of the Bureau's decision will then be forwarded to the applicant.

CONTINUATION OF GRANT ASSISTANCE

Students receiving grant assistance must maintain acceptable academic standing and social conduct within the policies and rules of the institution attended. Renewal applications for the following year's assistance must be in the form of a written request to be submitted along with a current financial need evaluation prior to April 1. Students receiving Bureau grant scholarships may expect personal on-campus contact by their Bureau or tribal scholarships representative for the purpose of providing supportive services.

STUDENTS ASSISTED

The vast majority of the American Indian student population assisted under grant aid are at the undergraduate level. Graduate and/or married students are eligible for consideration and assistance. The college or university official need evaluation must reflect subsistence allowances for immediate family members. Application for grant assistance from Indian veterans will be accepted and considered for supplemental funding to the Veterans Administration allowance, provided the institution need evaluation reflects unmet financial need. Summer and part-time students may be considered for assistance, provided application is made well in advance of enrollment and accompanied by an official need evaluation.

Additional information and suitable application forms may be obtained through the Bureau Agency or Area Office having a record of the applicant's enrollment. An informative booklet "Scholarships for American Indians", listing approximately 400 financial assistance opportunities is available by request through any Bureau scholarships office.

BUREAU HIGHER EDUCATION STAFF, CENTRAL OFFICE
Leroy Falling, Bureau Scholarships Officer
Bureau Higher Education Program
P. O. Box 1788, Albuquerque, New Mexico 87103
Telephone (505) 843-2604

SCHOLARSHIP REPRESENTATIVES, AREA OFFICE LOCATIONS

ABERDEEN AREA OFFICE
Harry Eagle Bull
820 South Main
Aberdeen, South Dakota 57401
(605) 255-0250 Ext. 7581

ALBUQUERQUE AREA OFFICE
Earl Webb
P. O. Box 8327
Albuquerque, New Mexico 87108
(505) 843-3160

ANADARKO AREA OFFICE
Luke Toyebo
Federal Building
Anadarko, Oklahoma 73005
(405) 247-6637 Ext. 6211

BILLINGS AREA OFFICE
Verlin Belgarde
316 North 26th Street
Billings, Montana 59101
(406) 245-6711 Ext. 6375

JUNEAU AREA OFFICE
Robert Portlock
Anchorage Agency
P. O. Box 120
Anchorage, Alaska 99501
(907) 279-1401

MINNEAPOLIS AREA OFFICE
Richard Wolf
831 2nd Avenue South
Minneapolis, Minnesota 55408
(612) 725-2911 Ext. 2901

MUSKOGEE AREA OFFICE
Edward C. Lowery (Acting)
Federal Building
Muskogee, Oklahoma 74401
(918) 683-3111 Ext. 3712

NAVAJO AREA OFFICE
(Tribal Administered Program)
Dennis Billie, Director
Window Rock, Arizona 86515
(602) 871-4024

PHOENIX AREA OFFICE
Ruth A. O'Neil
124 West Thomas
P. O. Box 7007
Phoenix, Arizona 85011
(602) 261-3900 Ext. 4161

PORTLAND AREA OFFICE
Spencer Sahmaunt
1425 N. E. Irving Street
Portland, Oregon 97208
(503) 234-3361 Ext. 4277

SACRAMENTO AREA OFFICE
Charles Toyebo
2800 Cottage Way
Sacramento, California 95825
(916) 481-7631 Ext. 2381

AGENCY OFFICE LOCATIONS

Superintendent, Cherokee Agency
Attention: Mr. Ray Cleveland
Bureau of Indian Affairs
Cherokee, North Carolina 27819
(704) 497-2221

Superintendent, Choctaw Agency
Attention: Mr. Leroy Bacon
Bureau of Indian Affairs
Philadelphia, Mississippi 39350
(601) 656-1523

Superintendent, Seminole Agency
Attention: Mrs. Mary Law
Bureau of Indian Affairs
Hollywood, Florida 33024
(305) 350-7297

Bureau of Indian Affairs
New York Field Office
Attention: Mrs. Maribel Printup
P. O. Box 500
Salamanca, New York 14479
(716) 945-3342

APPENDIX IV

MOST RECENT BIA INTERPRETATION OF THE MEMO OF UNDERSTANDING

Through a cooperative arrangement with the Bureau of Indian Affairs and the Branch of Educational Opportunity Grants SFA, Indian students under sponsorship of Bureau grants are now eligible to use grants and loans as matching funds for Educational Opportunity Grants. This was mentioned in EOG Administrative Memorandum No. 1-70, dated September 15, 1969.

Due to numerous inquiries on the matter, we have developed a procedure with the Bureau to be followed in adminstering the program. This procedure was developed from a series of meetings sponsored by the Bureau in which college officials, students, tribal leaders, Office of Educational personnel, and Bureau of Indian Affairs officials discussed various aspects of the program.

PROCEDURE

1. Indian students under Bureau grant sponsorship must meet requirements for acceptance at college.

2. A student must submit a request for financial aid using the form required by the college. Student identifies himself as an Indian by writing "Indian under Bureau of Indian Affairs grant sponsorship applying for matching EOG" across the face sheet of the financial aid form. He must also submit the address of the Area Office serving his tribe.

3. The financial aids officer sends a copy of the processed financial aid form which is the basis for need determination, to the Bureau Area Scholarships Officer with a notation of the amount of aid to be offered and the kinds of assistance (EOG, BIA, loan, job, etc.).

4. The Bureau Area Scholarships Officer reviews the financial need of the student and the amount of the BIA funds to be committed. The student's total need will be met as indicated by the financial aids officers. It is common practice to meet the student's need; therefore his choice of institution should pose no problem. (BIA awards to applicants who choose out-of-State schools are limited to the amount comparable with the cost of a public supported college or university within his home State. Other forms of aid can make up for lower BIA grants to applicants who choose out-of-State schools). Therefore, the size of his EOG or BIA award should not determine his choice, but rather the fact that the total award offered meets his need whatever institution he has applied for aid.

   The financial aid form is returned to the college with a supporting statement by the Bureau Area Scholarships Officer which contains the following information:

   A. Verification of legal Indian status.

   B. Statement of priority. First priority goes to financing needy undergraduate applicants residing on or near an Indian reservation, beginning at the freshmen level. Second priority includes all other eligible applicants.

   C. Statement justifying greater or lesser financial need than that depicted by the processed financial aid form, if needed.

   D. Recommendation on behalf of the student's academic load, need for remedial courses, counseling, etc.

   E. Instructions for billing the Bureau for its amount of the financial aid.

5. Renewal awards for upperclassmen would be processed annually by the institution and would be continued if there is no major change in the student's financial situation. His EOG has a duration of four academic years and would normally tend to remain at the amount of his initial grant. Should a National Defense Student Loan be part of his "award package", it should be remembered that if he enters the field of education all or part of the loan may be excused, under the present law, in exchange for a number of years of teaching in a deprived area.

Questions not covered by these guidelines should be directed to the nearest Bureau Area Office or to the Division of Public School Relations, Bureau of Indian Affairs, 5301 Central Avenue, N. E., Room 201, Albuquerque, New Mexico 87108.

APPENDIX V

MEMORANDUM

From: Frank LaFontaine

Date: 31 July 1972

Re: "Education Amendments of 1972" and Indian Education

Question: What effect does the "Education Amendments of 1972" have on Indian education?

Answer: "Education Amendments of 1972" contain the Indian Education Act which may significantly modify the existing approach to Indian education. The Indian Education Act provides financial assistance and grants to local educational agencies to meet the special needs of Indian children. The Act also contains provisions which provide for more Indian input into the administration of federal assistance to Indian education.

"Education Amendments of 1972" also have a provision providing for ethnic heritage programs which might be used to finance ethnic studies programs in the schools.

The new statutes provides for special programs for students from disadvantaged backgrounds which are a continuation of Upward Bound, Talent Search, and Special Services for Disadvantaged Students, though they are consolidated.

The new education law also provides for preschool programs for migrant children and for special programs designed to meet the training needs of teachers who teach migrant children. Indian children living on reservations may qualify for these migrant programs, since their parent may occasionally do migratory work.

Discussion:

I.

The Indian Education Act (essentially the Kennedy-Mondale education bill), contains a number of provisions which may have a significant impact on Indian education. This memorandum will analyze each provision to determine the future ramifications of each provision.

A Senate Amendment (Section 411(a), the Education Amendments of 1972), added a new title (Title III, Sec. 301-307) to Public Law 83-874, school assistance in federally affected areas, to provide financial assistance to local educational agencies for elementary and secondary education programs to meet the special educational needs of Indian children. The amount of the grant to which a local educational agency would be entitled would be equal to the average per pupil expenditure multiplied by the number of Indian children enrolled in the agency as determined by the Commissioner of Education. The Senate amendment also authorized the Commissioner to make grants for projects designed to test the effectiveness of programs in order to improve Indian educational opportunities. (Section 411(a) of the "Education Amendments of 1972" expands federal impact aid, though it does not significantly alter the pre-existing laws. The new provision possibly might double the amount of federal money available for the public education of Indian children if fully funded by Congress. Section 411 (a) modifies the pre-existing law by stipulating that Indian impact aid must be spent for the special educational needs of Indian children (Section 305A (5) and provides for the input of the Indian community in administering the funds. Section 305 (5) (2) (B).

Probably the most important change in the pre-existing law was in providing for federal impact aid to schools on or near Indian reservations which are not local educational agencies. The pre-existing federal impact aid law specified that only local educational agencies could apply for federal impact aid, and such agencies could only apply through the state educational agency. 20 U.S.C. & 240. Although the definition of local education agency, 20 U.S.C. & 244 (d) (A), is sufficiently broad enough to include a school district created by an Indian tribe, Indian schools maintained by a tribe or private parties have not been deemed to be within the definition. Indian controlled schools which are part of the state educational system do qualify for federal impact aid. e.g. Rocky Boy School District-Indian controlled school.

Many Indian tribes and individuals have found for various reasons that the state educational systems are not responsive to their demands and desire for Indian controlled schools. Consequently, private and tribal organizations have attempted to set up Indian controlled schools to meet the needs of Indian children, though they lack adequate financial support. Now Section 303 (b) of Indian Elementary and Secondary School Assistance Act (Section 411 (a) of the Education Amendments of 1972 amending P.L. 81-874) provides that the Commissioner of Education may spend up to 5% of the total impact aid for Indian children to assist schools on or near reservations which are not local educational agencies or which have not been local educational agencies for more than three years. Although the sum may be small, this new provision does represent a significant precedent for direct federal assistance to Indian controlled schools and may provide some financial assistance to Indian controlled schools.

Section 421 (a) of the Education Amendments of 1972 amends Title VIII of the Elementary and Secondary Education Act of 1965 by providing for programs designed to improve Indian educational opportunities. Also, the new provisions provide for educational services not available to Indian children in sufficient quality or quantity; training programs for educational personnel; and for dissemination and evaluation of the results of federally assisted programs. The Commissioner of Education has the discretion to make discretionary grants in order to implement the new provisions. Such grants may be made to Indian tribes, organizations, and institutions as well as to local educational agencies. The amendment authorized $25,000,000 for fiscal year 1973 and $35,000,000 for each of the two succeeding fiscal years for the programs authorized in Section 810 (a).

Section 431 of the Education Amendments amends the Adult Education Act, 25 U.S.C. & 120, by authorizing pilot and demonstration projects, research, evaluation, and operation of adult education programs for Indians. The Commissioner of Education is authorized to make grants to Indian tribes, institutions, and organizations to state or local educational agencies, to support a broad range of adult education projects. The section requires that Indian people participate in planning, and Indian agencies, organizations, and institutions are given preference in applying for grants. For the purpose of making these grants, $5,000,000 would be authorized for fiscal year 1973 and $8,000,000 for each of the two succeeding fiscal years.

Section 441 (a) of the Education Amendments of 1972 establishes, in the Office of Education, a bure to be known as the "Office of Indian Education" which, under the Commissioner of Education, has the responsibility of administering the new programs in the Indian Education Act. This new office will be headed by a Deputy Commission of Indian Education who will be selected by the Commissioner of Indian Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

Section 442 of the Education Amendments of 1972 establishes the National Advisory Council on Indian Education which will consist of fifteen members who will be Indians and Alaska Natives appointed by the President. The National Council will advise the Commissioner of Education, review and evaluate programs, and provide technical assistance to local educational agencies and Indian organizations. The National Council is authorized to contract with public or private nonprofit agencies for assistance in carrying out its functions.

Ascertaining what impact that the National Council will have on Indian education is difficult to determine. Possibly the National Council could have a significant impact on Indian education if the Commissioner of Education will work with the National Council, but the National Council has no power to implement its recommendations, and the size of the National Council may make it unworkable. Hence, predicting the effectiveness of the National Council, at this time, is hazardous.

Section 451 of the Education Amendments of 1972 amends the higher Education Act of 1965 with several amendments. The most important of these amendments is a provision for teachers for Indian children. The section creates a 5 per centum set-aside from part D of the Education Professions Development Act for the in-service and pre-service trainin of persons serving as teachers in schools for Indian children operated by the Department of the Interior. The section does give a preference to the training of Indians.

Section 452 of the Education Amendments of 1972 modifies Title VII (Bilingual Education Act) of Elementary and Secondary Education Act of 1965 by expanding its coverage to include non-reservation Indians and schools near reservations associated with Indian tribes. Before this amendment, the Bilingual Education Act only considered as eligible for the program tribal associated schools which were located on reservations and served reservation Indians. Now tribal associated schools near or on reservations may apply for aid under the Act to implement bilingual educational program.

The definition of the term "Indian" in the Indian Education Act (Section 453) is comprehensive in scope. Unquestionably, the definition is greatly expanded in comparison to other legislative definitions of "Indian". The term includes terminated Indians; Indians who are considered Indians in the states where they live, the descendants of tribal members, persons who are considered Indians by the Secretary of the Interior, persons who are Eskimos or Aleut or other Alaska Natives, and persons who are determined to be an Indian under regulations promulgated by the Commissioner. Obviously the coverage of the Indian Education Act will be extensive.

II.

The Education Amendments of 1972 contain a provision, Section 504, which provides for ethnic heritage studies programs. This provision amends the Elementary and Secondary Education Act of 1965 by authorizing grants for ethnic heritage studies programs. These programs would develop and disseminate curriculum material and encourage and promote activities related to ethnic heritage studies. Grants would be made to nonprofit public or private educational agenices, institutions, or organizations. Applicants will be required to consult with a local advisory council composed of representatives of ethnic groups and cultural and educational resources from the area to be served. A National Advisory Council on Ethnic Heritage Studies, appointed by the Secretary, is established to assist and advise the Commissioner in coordinating the programs.

Possibly Indian controlled schools could use this provision to set up Indian Studies programs, since the Commissioner may make grants to and contracts with public and private nonprofit eduational agencies.

III.

Section 131(b)(1) of the Education Amendments of 1972 also authorizes special programs for students from disadvantaged backgrounds. This provision (See Section 417) consolidates the programs Upward Bound, Talent Search, and Special Services for Disadvantaged Students, though the three programs are retained in identity. This unified approach is designed to assist students from disadvantaged backgrounds enter, continue, or resume a program of post-secondary education. Authorizations for these programs are: $96 million for fiscal year 1972, $100 million for each of the next three succeeding fiscal years.

No doubt Indian students have benefited from these programs, especially Indian students from Indian communities. The new statutory changes will not significantly change the programs.

IV.

The Education Amendments of 1972 make changes in the law with regard to migrant children. Section 148 of the Amendments amends the Higher Education Act of 1965 by providing for programs for the training of teachers who teach migrant children. Section 507 of the Amendments amends Title I Elementary and Secondary Education Act to include preschool programs especially for migrant children, provided that funds for the operation of such programs will not be detracted from other programs already authorized. The Elementary and Secondary Education Act is also amended to give priority to migrant children in consideration for programs established under Title I.

Determining the impact of these provisions in the 1972 Amendments is difficult, since Indians normally are not migrant workers. But Indians will benefit from these new provisions, since most reservations are located in rural areas and the Indian who lives on the reservation usually does some migratory work. Consequently, their children should qualify as migrant children.

CONCLUSIONS

The Education Amendments of 1972 contain the Indian Education Act which attempts to modify the allocation of federal impact aid for Indian children by restricting its use to meeting the special educational needs of Indian children. The Indian Education Act also has provisions which provide grants to improve Indian education. The Office of Economic Opportunity and the National Advisory Council on Indian Education

were created to improve the administration of the Indian educational programs and to increase the responsiveness of these programs to Indian needs. The Act also provides for the training of teachers who will teach Indian children, and the definition of the term "Indian" was expanded to include groups which did not qualify for federal programs before the passage of this Act.

Possibly Indian controlled schools not under state sponsorship will qualify for some aid under the federal impact aid provisions since the Act authorizes the granting of financial aid to schools which are not local educational agencies.

The Education Amendments of 1972 have a provision which authorizes ethnic heritage studies programs. This provision might be used to finance Indian studies programs in Indian controlled schools.

The Education Amendments also continue the Upward Bound program, the Talent Search program, and Special Services for Disadvantaged Students program, though they are consolidated into a single program.

Finally the Amendments provide for education of migrant children. A program is authorized to train teachers who will teach migrant children, and pre-school programs are authorized for migrant children if the funds are available.

APPENDIX VI

THE TREATMENT OF PER CAPITA PAYMENTS BY THE U. S. OFFICE OF EDUCATION

by Sam Deloria

Indian people frequently receive "per capita" payments of various kinds. Some tribes distribute per capita shares of dividends from tribal investments and business enterprises to all tribal members. Other tribes distribute a portion of compensation paid for lost land or other resources either from historic wrongs, as from the Indian Claims Commission awards, or from recent takings such as for dams or other public works projects.

The dividend per capitas are paid by only a few tribes and are of quite a different order from the compensation variety. Dividends for the most part are from ongoing business enterprises or from renewable resources such as well-manag timber. They are often regular payments, less frequently annual. They will not be considered in this pape

Some tribes receive regular annuity payments from treaties with the United States, but these do not amount to enough money to consider here. But per capita payments as part of compensation for land or other resource claims are often sizable, and they are usually one-shot affairs. The award represents final payment from the United States to the tribe or the descendants of the wronged group of Indians. These payments are exempt from federal taxes, and state welfare departments have ruled that they will not be considered "income" for welfare purposes if they are put to certain uses bearing on long-term improvement of the family situation.

Position of OE: The United States Office of Education has taken a hard line with respect to Indian compensatory per capita payments. In response to requests from the State of Montana (where Work-Study money is used to support college athletic departments), OE has ruled that tribal per capita payments are to be considered in the calculation of Indian students' resources, either as income (presumably if the per capita is made in the year of calculation) or assets (if the per capita was made previously but is still available to the student).

It is doubtful that OE's position will threaten interests in trust allotments because of federal restrictions on alienation. But OE feels that as long as former trust property has been converted into liquid form under the complete discretion and control of the Indian student, it should be considered as a disposable resource for the students' education for purposes of eligibility for OE programs. If the payment is unrestricted, it is fair game for college financial aids officers. OE sees the Indian student with a per capita payment as having an investment decision much like that of any other person with disposable income in hand. He may choose to buy stock, land, a pickup, a Porsche, to open a business or buy into one, or he may choose to invest in himself by attending school. If he chooses to go to school, he should be willing to invest his own resources in that endeavor.

There is nothing in the OE authorizing legislation which would exempt tribal per capita payments from consideration as income for these purposes; neither has Congress provided in the acts authorizing or appropriating the per capitas that they will be exempted.

"Analogous situations": OE programs, such as Work-Study and EOG, are designed to provide the children of poor families with an opportunity to attend college. Thus most students who are ineligible for OE funds are those whose family resources in the form of investments or other holdings or whose family income exceed a certain level. (Although this is evidently waived in the case of Montana football players, whose prospects on the field are deemed to outweigh federal income guidelines).

But there are analogous situations where a temporary or one-shot "windfall" will temporarily increase the income or assets for a family which would normally be eligible for benefits. For example, a non-Indian family with a small farm and small income may lose part of its land in condemnation proceedings, and the compensation may be held or invested rather than used to replace the lost land. Like per capita claims payments to Indians, these might be one-shot windfalls for this hypothetical non-Indian family. Or, a

normally "poor" non-Indian family or individual may receive compensation through an accident claim after an auto accident or a fall in a supermarket. Such compensation, like tribal claims money not subject to income tax, is considered by OE as resources available to the student.

OE would require a middle-class family to expend some of its income, savings, reserves, or capital investments before it would consider its children eligible for funding. In the case of a poor family, however, the basic standard of living may be so low that a "windfall" could be used to repair a house or purchase a decent automobile for the first and last time. Including the windfall in eligibility calculations may deprive the family of a once-in-a-lifetime opportunity to improve its basic standard of living. But OE apparently refuses to make this distinction for Indians or non-Indians.

Policy argument: This controversy serves as an excellent example of why Indian people prefer to have separate programs for themselves rather than to bear the burden of educating a new group of bureaucrats for each federal program. It is also an indication of the kind of problem that will increase if the federal regionalization plans are implemented. Indian claims payments are unique, not analogous; OE's ruling ignores the moral, historical and policy context in which they exist as well as federal policies relating to Indians.

Indian claims are different from other damage actions in many respects:

- claims payments are only a part of a total scheme of reparations from the people of the United States to the Indian tribes for the destruction of the environment in which Indian cultures and economies were developed and flourished;

- the United States has delayed paying compensation to the Indians, sometimes for more than one hundred years; land claims were virtually impossible to bring before 1946;

- because the United States did not pay compensation in the first place, tribes have been forced to sue, requiring legal fees which deplete each award by 10% or more;

- compensation is based on artifically-derived prices, a few cents an acre for invaluable land; nothing approaching the real value of the land is paid, and no interest is paid from the date of the taking or the wrong (based on novel legal theories developed for this purpose and applicable nowhere else in the Anglo-American legal system);

- the claims are further depleted by offsets based upon services provided more to advance federal policies to "civilize" Indians than at the request of the tribes and regardless of the quality of the services.

Many Indian people oppose claims awards because of deeply-held religious beliefs that land cannot be sold. For similar reasons, many Indian people feel that present educational policies exceed their limitations by being more a form of evangelism for Western civilization than a means of helping the individual to cope with the modern world. Claims awards are mainly a means of helping to salve the Western conscience; in theory, however, they should help provide the economic base that the land used to provide. Largely due to federal incompetence and political obstructionism, tribal economies have not recovered from the shock of being placed on reservations, and most Indian people are desperately poor. The claims payments represent all the compensation Indian people are likely to get for the immeasurable price they have paid.

At the same time, education has been forced on the Indian people, and Indian societies and economies have not been allowed to develop naturally. From the Indian point of view, then, the OE ruling represents the federal government forcing Indian people to expend money which replaces invaluable land to buy an education which is also forced upon them by the federal government. To say that Indian people may "choose" whether to be educated is to present a cruel choice and to deny the unity of federal policies toward Indians.

From the federal point of view, the OE ruling runs counter to several fundamental Indian policies. The federal government for years has maintained policies for the economic development of Indians and for their education. Both of these policies were made necessary by action of the United States, and there is a federal responsibility to subsidize the implementation of these policies.

The OE ruling in the policy context is confiscatory. If an Indian student is "poor" one year, he is eligible for OE funding; but, if he is not "poor" the next year because of his per capita payment - compensation for past wrongs by the United States which make the education presently necessary - he is not eligible for OE funds that year. If he stays in school during his ineligible year, he is taxed 100% to support a federal policy of educating Indians. His alternative is to drop out until his per capita is

exhausted, defeating the educational policy and encouraging a hurried and possibly unwise use of the payment. OE clearly sees "education" ethnocentrically as a privilege; many Indian people see it as a necessary but not entirely welcome burden that must be borne for survival.

Congress has no moral or constitutational duty with respect to people who receive compensation for taken land or for automobile accidents, except to pay compensation for property taken by the government. Nor has Congress expressed any special concern for this class of people. But Congress' policies to raise the standard of living of Indian people and to provide them with an education should not be frustrated by an OE ruling which clearly does not take them into account. Indian people who are "normally" poor should be able to receive an education with federal assistance without being forced to spend their small inheritance.

Congress cannot be expected to repeat all of its Indian policies in every piece of legislation. Thus OE and claims legislation should be read in the context of federal Indian policies so as not to defeat them. If claims awards are to be considered as the sole means of rebuilding Indian economies and no part of a general legislative scheme, then Congress should change the terms of the claims. Congress should provide full compensation by paying interest from the day of the taking or by computing the awards based upon present land values and in either case the value should take into account the value of resources taken from the land. If we were paid full value for the gold taken out of the Black Hills or California, then perhaps we could afford to implement federal educational policies with our own money.

Or perhaps we should simply apply for Montanta athletic scholarships.